

(7) The Unshu oranges may be imported into the United States only through a port of entry listed in §319.37-14 that is located in an area of the United States into which their importation is authorized. The following importation restrictions apply:

(i) Unshu oranges from Honshu Island or Shikoku Island, Japan, that have been fumigated in accordance with paragraph (b)(5) of this section may be imported into any area of the United States except American Samoa, the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands.

(ii) Unshu oranges from Honshu Island or Shikoku Island, Japan, that have not been fumigated in accordance with paragraph (b)(5) of this section; Unshu oranges from Kyushu Island, Japan (Prefectures of Fukuoka, Kumamoto, Nagasaki, and Saga only); and Unshu oranges from Cheju Island, Republic of Korea, may be imported into any area of the United States except American Samoa, Arizona, California, Florida, Hawaii, Louisiana, the Northern Mariana Islands, Puerto Rico, Texas, and the U.S. Virgin Islands.

(c) This prohibition shall not apply to importations for experimental or scientific purposes by the U.S. Department of Agriculture upon such conditions and under such requirements as may be prescribed in permits that may be issued by the Deputy Administrator of the Plant Protection and Quarantine Programs for such importations.

(d) Further, this prohibition shall not apply to importations into Guam of the fruits and peel designated in paragraph (a)(1) of this section.

(e) Importations allowed in paragraphs (b), (c), and (d) of this section shall be subject to the permit and other requirements under the Fruits and Vegetables Quarantine (§319.56).

(f) All salary, travel, and subsistence expenses incident to the assignment of personnel of the U.S. Department of Agriculture to such operations in the country of origin of the Unshu oranges shall be paid by those requesting the service of such personnel.

(g) The term *United States* means the States, District of Columbia, American Samoa, Guam, the Northern Mariana

Islands, Puerto Rico, and the Virgin Islands of the United States.

(h) Any permit that has been issued for the importation of Unshu oranges may be withdrawn by an inspector orally or in writing, if he or she determines that the holder of the permit has not complied with any of the conditions in the regulations. The holder of the permit shall be informed orally or in writing of the reasons for the withdrawal. If the withdrawal is oral, the decision and the reasons for the withdrawal will be confirmed in writing as promptly as circumstances allow. Any person whose permit has been withdrawn may appeal the decision in writing to the Deputy Administrator within ten (10) days after receiving the written notification of the withdrawal. The appeal must state all of the facts and reasons upon which the person relies to show that the permit was wrongfully withdrawn. As promptly as circumstances allow, the Deputy Administrator will grant or deny the appeal, in writing, stating the reasons for the decision. A hearing will be held to resolve any conflict as to any material fact. Rules of practice concerning a hearing will be adopted by the Deputy Administrator.

(i) The term *inspector* means any employee of Plant Protection and Quarantine, Animal and Plant Health Inspection Service, who is authorized by the Deputy Administrator to enforce the regulations in this subpart.

[32 FR 7959, June 2, 1967, as amended at 36 FR 24917, Dec. 24, 1971; 37 FR 7481, Apr. 15, 1972; 37 FR 23624, Nov. 7, 1972; 43 FR 13491, Mar. 31, 1978; 52 FR 32291, Aug. 27, 1987; 53 FR 50508, Dec. 16, 1988; 59 FR 13183, Mar. 21, 1994; 60 FR 39103, 39104, Aug. 1, 1995; 65 FR 37667, June 15, 2000; 66 FR 21055, Apr. 27, 2001; 67 FR 4876, Feb. 1, 2002; 68 FR 9853, Mar. 3, 2003; 69 FR 9744, Mar. 2, 2004]

Subpart—Nursery Stock, Plants, Roots, Bulbs, Seeds, and Other Plant Products^{1 2}

SOURCE: 45 FR 31585, May 13, 1980; 60 FR 27674, May 25, 1995, unless otherwise noted.

¹The Plant Protection and Quarantine Programs also enforces regulations promulgated under the Endangered Species Act of

§ 319.37 Prohibitions and restrictions on importation; disposal of articles refused importation.

(a) No person shall import or offer for entry into the United States any prohibited article, except as otherwise provided in § 319.37-2(c) of this subpart. No person shall import or offer for entry into the United States any restricted article except in accordance with this subpart.

(b) The importer of any article denied entry for noncompliance with this subpart must, at the importer's expense and within the time specified in an emergency action notification (PPQ Form 523), destroy, ship to a point outside the United States, or apply treatments or other safeguards to the article, as prescribed by an inspector to prevent the introduction into the United States of plant pests. In choosing which action to order and in setting the time limit for the action, the inspector shall consider the degree of pest risk presented by the plant pest associated with the article, whether the article is a host of the pest, the types of other host materials for the pest in or near the port, the climate and season at the port in relation to the pest's survival range, and the availability of treatment facilities for the article.

(c) No person shall remove any restricted article from the port of first arrival unless and until a written notice is given to the collector of customs by the inspector that the restricted article has satisfied all requirements under this subpart.

[57 FR 43144, Sept. 18, 1992]

1973 (Pub. L. 93-205, as amended) which contain additional prohibitions and restrictions on importation into the United States of articles subject to this subpart (See 50 CFR parts 17 and 23).

²One or more common names of articles are given in parentheses after most scientific names (when common names are known) for the purpose of helping to identify the articles represented by such scientific names; however, unless otherwise specified, a reference to a scientific name includes all articles within the category represented by the scientific name regardless of whether the common name or names are as comprehensive in scope as the scientific name.

§ 319.37-1 Definitions.

Terms used in the singular form in this subpart shall be construed as the plural, and vice versa, as the case may demand. The following terms, when used in this subpart, shall be construed, respectively, to mean:

Bulbs. The portion of a plant commonly known as a bulb, bulbil, bulblet, corm, cormel, rhizome, tuber, or pip, and including fleshy roots or other underground fleshy growths, a unit of which produces an individual plant.

Clean well water. Well water that does not contain plant pathogens or other plant pests.

Deputy Administrator. The Deputy Administrator of the Animal and Plant Health Inspection Service, U.S. Department of Agriculture for the Plant Protection and Quarantine Programs, or any other officer or employee of the Department to whom authority to act in his/her stead has been or may hereafter be delegated.

Disease. The term in addition to its common meaning, includes a disease agent which incites a disease.

Earth. The softer matter composing part of the surface of the globe, in distinction from the firm rock, and including the soil and subsoil, as well as finely divided rock and other soil formation materials down to the rock layer.

Europe. The continent of Europe, the British Isles, Iceland, the Azores, and the islands in the Mediterranean Sea.

From. An article is considered to be "from" any country or locality in which it was grown. *Provided*, That an article imported into Canada from another country or locality shall be considered as being solely from Canada if it meets the following conditions:

(a) It is imported into the United States directly from Canada after having been grown for at least 1 year in Canada.

(b) It has never been grown in a country from which it would be a prohibited article or grown in a country other than Canada from which it would be subject to conditions of § 319.37-5 (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), or (m) of this subpart, or subject to conditions of § 319.37-6 of this subpart.

(c) It was not grown in a country or locality from which it would be subject

to conditions of §319.37-7 of this subpart unless it was grown in Canada under postentry growing conditions equivalent to those specified in §319.37-7³ of this subpart, and

(d) It was not imported into Canada in growing media.

Indexing. A procedure for using plant material or its extracts to determine the presence or absence of one or more pests in or on the tested plant material. For the purposes of this subpart, indexing is performed in foreign countries to test the parent stock of designated articles that must meet special foreign inspection and certification requirements in accordance with §319.37-5 to be eligible for importation into the United States. The results of indexing tests are used by the plant protection services of foreign countries to issue phytosanitary certificates declaring plant articles free of specified diseases. The following indexing procedures are authorized for use with the specified plant genera, if the procedures are performed using protocols acceptable to the plant protection service that issues phytosanitary certificates based on them: mechanical transmission of the pest to an indicator plant for *Dianthus*, *Malus*, *Prunus*, *Rubus*, and *Syringa*; graft transmission of the pest to an indicator plant for *Chaenomeles*, *Cydonia*, *Malus*, *Prunus*, *Pyrus*, *Rubus*, and *Syringa*; serology for *Dianthus*, *Malus*, *Prunus*, *Pyrus*, *Rubus*, and *Syringa*; electron microscopy for *Dianthus* and *Prunus*, and nucleic acid probes for *Chaenomeles*, *Cydonia*, *Malus*, and *Pyrus*.

Inspector. Any employee of the Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, or other person, authorized by the Deputy Administrator in accordance with law to enforce the provisions of the regulations in this subpart.

Nursery stock. All field-grown florist's stock, trees, shrubs, vines, cuttings,

grafts, scions, buds, fruit pits, and other seeds of fruit and ornamental trees or shrubs, and other plants and plant products for propagation, except field, vegetable, and flower seeds, bedding plants, and other herbaceous plants, bulbs, and roots.

Oceania. The islands of Micronesia, Melanesia, and Polynesia (except Hawaii, Guam, and the Northern Mariana Islands) in the central and southern Pacific Ocean.

Person. An individual, corporation, company, society, or association.

Phytosanitary certificate of inspection. A document relating to a restricted article, which is issued by a plant protection official of the country in which the restricted article was grown, which is issued not more than 15 days prior to shipment of the restricted article from the country in which grown, which is addressed to the plant protection service of the United States (Plant Protection and Quarantine Programs), which contains a description of the restricted article intended to be imported into the United States, which certifies that the article has been thoroughly inspected, is believed to be free from injurious plant diseases, injurious insect pests, and other plant pests, and is otherwise believed to be eligible for importation pursuant to the current phytosanitary laws and regulations of the United States, and which contains any specific additional declarations required under this subpart.

Plant pest. The egg, pupal, and larval stages as well as any other living stage of: Any insects, mites, nematodes, slugs, snails, protozoa, or other invertebrate animals, bacteria, fungi, other parasitic plants or reproductive parts thereof, viruses, or any organisms similar to or allied with any of the foregoing, or any infectious substances, which can directly or indirectly injure or cause disease or damage in any plants or parts thereof, or any processed, manufactured, or other products of plants.

Plant Protection and Quarantine Programs. The organizational unit with the Animal and Plant Health Inspection Service, U.S. Department of Agriculture, delegated responsibility for

³Currently only *Chaenomeles* spp. (flowering quince), *Cydonia* spp. (quince), *Malus* spp. (apple, crabapple); *Prunus* spp. (almond, apricot, cherry, cherry laurel, English laurel, nectarine, peach, plum, prune) and *Pyrus* spp. (pear) are required under the laws of Canada to be grown in Canada under such equivalent conditions after importation.

enforcing provisions of the Plant Quarantine Act and related legislation, quarantines, and regulations.

Port of first arrival. The land area (such as a seaport, airport, or land border station) where a person, or a land, water, or air vehicle, first arrives after entering the territory of the United States, and where inspection of articles is carried out by inspectors.

Potable water. Water which is approved for drinking purposes by the national or local health authority having jurisdiction.

Production site. A defined portion of a place of production utilized for the production of a commodity that is managed separately for phytosanitary purposes. This may include the entire place of production or portions of it. Examples of portions of places of production are a defined orchard, grove, field, greenhouse, screenhouse, or premises.

Prohibited article. Any nursery stock, plant, root, bulb, seed, or other plant product designated in §319.37-2 (a) or (b), except wood articles regulated under §§319.40-1 through 319.40-11, "Subpart—Logs, Lumber, and Other Unmanufactured Wood Articles."

Restricted article. Any class of nursery stock or other class of plant, root, bulb, seed, or other plant product, for or capable of propagation, excluding any prohibited articles listed in §319.37-2(a) or (b) of this subpart, and excluding any articles regulated in 7 CFR 319.8 through 319.24-5 or 319.41 through 319.74-4.

Secretary. The Secretary of Agriculture, or any other officer or employee of the Department of Agri-

culture to whom authority to act in his/her stead has been or may hereafter be delegated.

Soil. The loose surface material of the earth in which plants, trees, and shrubs grow, in most cases consisting of disintegrated rock with an admixture of organic material and soluble salts.

***Solanum* spp. true seed.** Seed produced by flowers of *Solanum* capable of germinating and producing new *Solanum* plants, as distinguished from *Solanum* tubers, whole or cut, that are referred to as *Solanum* seeds or seed potatoes.

Spp. (species). All species, clones, cultivars, strains, varieties, and hybrids, of a genus.

State Plant Regulatory Official. The official authorized by the State to sign agreements with Federal agencies involving operations of the State plant protection agency.

United States. The States, District of Columbia, Guam, Northern Mariana Islands, Puerto Rico, and the Virgin Islands of the United States.

[45 FR 31585, May 13, 1980, as amended at 50 FR 8706, Mar. 5, 1985; 56 FR 19790, Apr. 30, 1991; 57 FR 43145, Sept. 18, 1992; 58 FR 38267, July 16, 1993; 60 FR 3077, Jan. 13, 1995; 60 FR 27674, May 25, 1995; 63 FR 13484, Mar. 20, 1998; 66 FR 21055, Apr. 27, 2001; 69 FR 21946, Apr. 23, 2004; 69 FR 61586, Oct. 20, 2004]

§319.37-2 Prohibited articles.

(a) The following listed articles from the designated countries and localities are prohibited articles and are prohibited from being imported or offered for entry into the United States except as provided in paragraph (c) of this section.

Prohibited article (includes seeds only if specifically mentioned)	Foreign places from which prohibited	Plant pests existing in the places named and capable of being transported with the prohibited article
<i>Abelmoschus</i> spp. (okra)	Africa	Cotton leaf curl agent.
	Brazil	Cotton Anthracnose agent.
	Bangladesh, India, Sri Lanka	Bhendi yellow vein mosaic agent.
	Cote d'Ivoire, Nigeria	Okra mosaic virus.
	Iraq	Okra yellow leaf curl agent.
	Papua New Guinea, Trinidad and Tobago	Okra mosaic agents.
<i>Abies</i> spp. (fir)	All except Canada	50 or more species of rusts including <i>Chrysomyxa abietis</i> (Wallr.) Ung. (a rust causing a serious needle disease); <i>Phacidiopycnis pseudotsuga</i> (M. Wils.) Hahn (Douglas fir canker).
<i>Acacia</i> spp. (acacia)	Australia and Oceania	<i>Uromyces acaciae</i> (Sacc.) McAlp. (Rust).
<i>Acer</i> spp. (maple) (except <i>Acer palmatum</i> and <i>Acer japonicum</i> meeting the conditions for importation in § 319.37-5(m)).	Japan	<i>Xanthomonas acrona</i> (Ogawa) Burk.
	Europe, Japan	Maple mosaic or variegation diseases.
<i>Actinidia</i> spp. (Chinese gooseberry, kivi)	Japan and Taiwan	<i>Pucciniastrum actinidiae</i> Hiratsuka (Rust).
<i>Adonia</i> spp.	All	A diversity of diseases including, but not limited to: Lethal yellowing disease; Cadang-cadang disease.
<i>Aesculus</i> spp. (horsechestnut)	Czech Republic, Germany, Romania, Slovakia, United Kingdom	Horsechestnut variegation or yellow mosaic diseases.
<i>Aiphanes</i> spp. (coyure, ruffia, and spine palm)	All	A diversity of diseases including but not limited to: Lethal yellowing disease; Cadang-cadang disease.
<i>Allagoptera arenaria</i>	All	A diversity of diseases including, but not limited to: Lethal yellowing disease; Cadang-cadang disease.
<i>Althaea</i> spp. (althaea, hollyhock)	Africa	Cotton leaf curl agent.
	Bangladesh, India, Sri Lanka	Bhendi yellow vein mosaic agent.
<i>Arachis</i> spp. (peanut) seed only (all other <i>Arachis</i> articles are included under Fabaceae).	India, Indonesia, Japan, People's Republic of China, Philippines, Taiwan, Thailand	Peanut stripe virus.
	Burkina Faso, Cote d'Ivoire, Senegal India	Peanut clump virus. Indian peanut clump virus.
<i>Areca</i> spp.	All	A diversity of diseases including but not limited to: Lethal yellowing disease; Cadang-cadang disease.
<i>Arenga</i> spp. (sugar palm)	All	A diversity of diseases including but not limited to: Lethal yellowing disease; Cadang-cadang disease.
<i>Arikuryoba</i> spp. (arikury palm)	All	A diversity of diseases including but not limited to: Lethal yellowing disease; Cadang-cadang disease.
Articles listed in § 319.37-2(b)	All except Canada	A diversity of diseases, insects, and other pests, including but not limited to: <i>Cactoblastis cactorum</i> (Berg); <i>Metamasius</i> spp.; <i>Opogona sacchari</i> (Bojer); <i>Chrysomyxa himalensis</i> Barclay (Spruce needle rust); <i>Aecidium mori</i> Barclay (Mulberry rust); <i>Pseudomonas lignicola</i> Westerd. & Buis. (Bacterial stain); <i>Pucciniastrum areolatum</i> (Fr.) Oth. (Cherry-spruce rust).
Bambuseae (seeds, plants, and cuttings)	All	Various plant diseases, including bamboo smut (<i>Ustilago shiraiana</i>)

§ 319.37-2

7 CFR Ch. III (1-1-05 Edition)

<i>Berberis</i> spp. (barberry) (plants of all species and horticultural varieties not designated as resistant to black stem rust in accordance with § 301.38-1 of this chapter).	All	<i>Puccinia graminis</i> Pers. (Black stem rust).
<i>Berberis</i> spp. (barberry) destined to an eradication State listed in § 301.38-2a of this chapter (plants of all species and horticultural varieties designated as resistant to black stem rust in accordance with § 301.38-1 of this chapter).	All	<i>Puccinia graminis</i> Pers. (Black stem rust).
<i>Berberis</i> spp. (barberry) seed	All	<i>Puccinia graminis</i> Pers. (Black stem rust).
<i>Blighia sapida</i> (akee)	Cote d'Ivoire, Nigeria	Okra mosaic virus.
<i>Borassus</i> spp. (palmyra palm)	All	A diversity of diseases including but not limited to: Lethal yellowing disease; Cadang-cadang disease.
<i>Brugmansia</i> spp.	Colombia	Datura Columbia virus.
<i>Caryota</i> spp. (fishtail palm)	All	A diversity of diseases including but not limited to: Lethal yellowing disease; Cadang-cadang disease.
<i>Castanea</i> spp. (chestnut)	All	<i>Cryphonectria parasitica</i> (Murrill) Barr (chestnut blight); <i>Dryocosmus kuriphilus</i> Yasumatsu (gall wasp).
<i>Cedrus</i> spp. (cedar)	Europe	<i>Phacidomyces pseudotsuga</i> (M. Wils.) Hahn (Douglas fir canker). <i>Fusarium fuliginosporum</i> Sillila (Seedling disease).
<i>Chaenomeles</i> spp. (flowering quince) not meeting the conditions for importation in § 319.37-5(b).	All	A diversity of diseases including but not limited to those listed for <i>Chaenomeles</i> in § 319.37-5(b)(1).
<i>Chrysalidocarpus</i> spp. (butterfly palm).	All	A diversity of diseases including but not limited to: Lethal yellowing disease; Cadang-cadang disease.
<i>Chrysanthemum</i> spp. (chrysanthemum).	Argentina, Brazil, Canary Islands, Chile, Colombia, Europe, Republic of South Africa, Uruguay, Venezuela, and all countries, territories, and possessions of countries located in part or entirely between 90° and 180° East longitude.	<i>Puccinia horiana</i> P. Henn. (white rust of chrysanthemum).
<i>Cocos</i> spp. (other than <i>Cocos nucifera</i>).	All	A diversity of diseases including but not limited to: Lethal yellowing disease; Cadang-cadang disease.
<i>Cocos nucifera</i> (coconut) (including seed) (Coconut seed without husk or without milk may be imported into the United States in accordance with § 319.56).	All except from Jamaica or Costa Rica if meeting the conditions for importation in § 319.37-5(g).	A diversity of diseases including but not limited to: lethal yellowing disease; cadang-cadang disease.
<i>Corypha</i> spp.	All	A diversity of diseases including but not limited to: Lethal yellowing disease; Cadang-cadang disease.
<i>Crocasmia</i> spp. (montebretia)	Africa	<i>Puccinia mcleanii</i> Doidge (rust), <i>Uredo gladioli-buettneri</i> Bub. (rust), <i>Uromyces gladioli</i> P. Henn. (rust), <i>U. nyikensis</i> Syd. (rust).
<i>Crocasmia</i> spp. (montebretia), except bulbs in commercial shipments.	Argentina, Uruguay Africa, Brazil, France, Italy, Malta, Mauritius, Portugal	<i>U. gladioli</i> P. Henn. (rust). <i>U. transversalis</i> (Thuem.) Wint. (rust).

Prohibited article (includes seeds only if specifically mentioned)	Foreign places from which prohibited	Plant pests existing in the places named and capable of being transported with the prohibited article
<i>Cydonia</i> spp. (quince) not meeting the conditions for importation in § 319.37-5(b).	All	A diversity of diseases including but not limited to those listed for <i>Cydonia</i> in § 319.37-5(b)(1).
<i>Datura</i> spp.	India	<i>Datura</i> distortion or enation mosaic virus.
<i>Datura</i> spp. (woody species)	(See <i>Brugmansia</i> spp.).	
<i>Dendranthema</i> spp. (chrysanthemum).	Argentina, Brazil, Canary Islands, Chile, Colombia, Europe, Republic of South Africa, Uruguay, Venezuela, and all countries, territories, and possessions of countries located in part or entirely between 90° and 180° East longitude.	<i>Puccinia horiana</i> P. Henn. (white rust of chrysanthemum).
<i>Dictyosperma</i> spp. (Princesspalm)	All	A diversity of diseases including but not limited to: Lethal yellowing disease; Cadang-cadang disease.
<i>Elaeis</i> spp. (oil palm)	All	A diversity of diseases including but not limited to: Lethal yellowing disease; Cadang-cadang disease.
<i>Erianthus</i> spp. (plumegrass)	All	<i>Puccinia melanocephala</i> H. Syd. & P. Syd. (Sugarcane rust).
<i>Eucalyptus</i> spp. (eucalyptus)	Europe, Sri Lanka, and Uruguay	<i>Pestalotia disseminata</i> Thuem. (parasitic leaf fungus).
<i>Euonymus</i> spp. (euonymus)	Europe, Japan	<i>Euonymus</i> mosaic diseases.
Fabaceae (=Leguminosae) (herbaceous spp. only).	All except Canada	A diversity of diseases including but not limited to: African soybean dwarf agent, alfalfa enation virus, azuki bean mosaic virus, bean golden mosaic virus, cowpea mild mottle virus, French bean mosaic virus, groundnut chlorotic leaf streak virus, groundnut chlorotic spotting virus, groundnut rosette agents, groundnut witches broom MLO, horsegram yellow mosaic virus, Indonesian soybean dwarf virus, lima bean mosaic virus, lucerne Australian symptomless virus, lucerne vein yellowing virus, mung bean yellow mosaic virus, peanut stripe virus, red clover mottle virus, and soybean dwarf virus.
<i>Fragaria</i> spp. (strawberry) not meeting the conditions for importation in § 319.37-5(h).	All except Canada	<i>Phytophthora fragariae</i> Hickman (Red stele disease).
<i>Fraxinus</i> spp. (ash)	Europe	<i>Pseudomonas savastanoi</i> var. <i>fraxini</i> (Brown) Dowson (Canker and dwarfing disease of ash).
<i>Gaussia</i> spp. (Illumepalm)	All	A diversity of diseases including but not limited to: Lethal yellowing disease; Cadang-cadang disease.
<i>Gladiolus</i> spp. (gladiolus)	Africa	<i>Puccinia mcleanii</i> Doidge (rust), <i>Uredo gladioli-buettneri</i> Bub. (rust), <i>Uromyces gladioli</i> P. Henn. (rust), <i>U. nyikensis</i> Syd. (rust).
<i>Gladiolus</i> spp. (gladiolus), except bulbs in commercial shipments.	Argentina, Uruguay	<i>U. gladioli</i> P. Henn. (rust).
<i>Gossypium</i> spp. (cotton, cotton tree).	Africa, Brazil, France, Italy, Malta, Mauritius, Portugal	<i>U. transversalis</i> (Thuem.) Wint. (rust).
<i>Hibiscus</i> spp. (kenaf, hibiscus, rose mallow).	All	A diversity of diseases including but not limited to: cotton leaf curl virus; cotton virescence agent; small leaf virus.
	Africa	Cotton leaf curl agent.
	Brazil	Cotton anthracnose agent.
	India	Hibiscus leaf curl agent.
<i>Howea</i> spp. (sentry palm) not meeting the conditions in § 319.37-5(n).	All	A diversity of diseases including but not limited to: Lethal yellowing disease; Cadang-cadang disease.
<i>Hydrangea</i> spp. (hydrangea)	Japan	<i>Aecidium hydrangeae-paniculatea</i> Dietel.

<i>Hyophorbe</i> spp. (palm)	All	A diversity of diseases including but not limited to: lethal yellowing disease; cadang-cadang disease.
<i>Ipomoea</i> spp. (sweetpotato)	All except Canada	A diversity of diseases including but not limited to: sweetpotato witches broom (little leaf); and sweetpotato viruses of eastern Africa.
<i>Jasminum</i> spp. (jasmine)	Belgium, Germany, Great Britain India Philippines	Jasmine variegation diseases. Chlorotic ringspot, phyllody, yellow ring mosaic diseases. Sangagulia yellow ringspot mosaic diseases.
<i>Juniperus</i> spp. (juniper)	Austria, Finland, and Romania	<i>Silignina defactans</i> (Kerst) Ellis (Needlecast disease).
<i>Larix</i> spp. (larch)	Europe Provinces of New Brunswick and Nova Scotia in Canada, Europe, and Japan.	<i>Phacioglyphis pseudotsugae</i> (M. Wils.) Hahn (Douglas fir canker). <i>Lachnellula wilkinsonii</i> (Hartig) Dennis (European larch canker).
<i>Latania</i> spp.	All	<i>Phacioglyphis pseudotsugae</i> (M. Wils.) Hahn (Douglas fir canker).
<i>Leersia</i> spp. (cutgrass) seed only (all other <i>Leersia</i> articles are included under Poaceae).	All	A diversity of diseases including but not limited to: Lethal yellowing disease; Cadang-cadang disease.
<i>Lens</i> spp. seed (lentil)	All	<i>Xanthomonas campestris</i> pv. <i>oryzae</i> (Ishiyama) Dye.
<i>Leptochloa</i> spp. (sprangletop) seed only (all other <i>Leptochloa</i> articles are included under Poaceae).	South America	<i>Uromyces viciae-fabae</i> (Pers.) Schroet. (Rust).
<i>Leucanthemella serotina</i>	All	<i>Xanthomonas campestris</i> pv. <i>oryzae</i> (Ishiyama) Dye.
<i>Ligustrum</i> spp. (privet)	Argentina, Brazil, Canary Islands, Chile, Colombia, Europe, Republic of South Africa, Uruguay, Venezuela, and all countries, territories, and possessions of countries located in part or entirely between 90° and 180° east longitude.	<i>Puccinia hortiana</i> P. Henn. (white rust of chrysanthemum).
<i>Livisiona</i> spp. (lan palm)	Europe	<i>Ligustrum</i> mosaic diseases.
<i>Mahoeberis</i> spp. (plants of all species and horticultural varieties not designated as resistant to black stem rust in accordance with § 301.38-1 of this chapter).	All	A diversity of diseases including but not limited to: Lethal yellowing disease; Cadang-cadang disease.
<i>Mahoeberis</i> spp. destined to an eradication State listed in § 301.38-2(a) of this chapter (plants of all species and horticultural varieties designated as resistant to black stem rust in accordance with § 301.38-1 of this chapter).	All	<i>Puccinia graminis</i> Pers. (Black stem rust).
<i>Mahoeberis</i> spp. seed	All	<i>Puccinia graminis</i> Pers. (Black stem rust).

Prohibited article (includes seeds only if specifically mentioned)	Foreign places from which prohibited	Plant pests existing in the places named and capable of being transported with the prohibited article
<i>Mahonia</i> spp. (mahonia) (plants of all species and horticultural varieties not designated as resistant to black stem rust in accordance with § 301.38-1 of this chapter).	All	<i>Puccinia graminis</i> Pers. (Black stem rust).
<i>Mahonia</i> spp. (mahonia) destined to an eradication State listed in § 301.38-2(a) of this chapter (plants of all species and horticultural varieties designated as resistant to black stem rust in accordance with § 301.38-1 of this chapter).	All	<i>Puccinia graminis</i> Pers. (Black stem rust).
<i>Mahonia</i> spp. seed	All	<i>Puccinia graminis</i> Pers. (Black stem rust).
<i>Malus</i> spp. (apple, crabapple) not meeting the conditions for importation in § 319.37-5(b).	All	A diversity of diseases including but not limited to those listed for <i>Malus</i> in § 319.37-5(b)(1).
<i>Mangifera</i> spp. (mango) seed only. (Prohibition not applicable to seeds imported into Guam, Hawaii, and the Northern Mariana Islands).	All except Guimaras Island (Republic of the Philippines) and North and South America (excluding Barbados, the British Virgin Islands, Dominica, French Guiana, Grenada, Guadeloupe, Martinique, St. Lucia, St. Vincent and the Grenadines, and Trinidad and Tobago).	<i>Stemochetus mangiferae</i> F. (mango seed weevil).
<i>Manihot</i> spp. (cassava)	All except Canada	A diversity of diseases, insects, and other pests including but not limited to: <i>Mononychellus tanajoa</i> (Bondar) (cassava mite); <i>Phenococcus manihotis</i> Matile-Ferrero (cassava mealybug); <i>Xanthomonas manihotis</i> (Arthand-Berthet) Starr (Bacterial blight); Cassava brown streak virus; Cassava latent virus; Cassava African mosaic virus; Cassava common mosaic virus.
<i>Mascarena</i> spp.	All	A diversity of diseases including but not limited to: Lethal yellowing disease; Cadang-cadang disease.
<i>Morus</i> spp. (mulberry)	India, Japan, Korea, People's Republic of China, Thailand, and the geographic area formerly known as the Union of Soviet Socialist Republics.	Mulberry dwarf or mulberry mosaic diseases.
<i>Nannorrhops</i> spp. (mazaripalm) ...	All	A diversity of diseases including but not limited to: Lethal yellowing disease; Cadang-cadang disease.
<i>Neodypsis</i> spp. (palm)	All	A diversity of diseases including but not limited to: Lethal yellowing disease; cadang-cadang disease.
<i>Nipponanthemum nipponicum</i>	Argentina, Brazil, Canary Islands, Chile, Colombia, Europe, Republic of South Africa, Uruguay, Venezuela, and all countries, territories, and possessions of countries located in part or entirely between 90° and 180° east longitude.	<i>Puccinia horiana</i> P. Henn. (white rust of chrysanthemum).
<i>Pelargonium</i> spp. not meeting the conditions for importation in § 319.37-5(r).	All	Potato brown rot (<i>Ralstonia solanacearum</i> race 3 biovar 2).
<i>Persea</i> spp. (avocado) seed	Central and South America, and Mexico	<i>Haileipus lauri</i> Boh. (Avocado weevil); <i>Stenomoma catenifer</i> Wals. (Avocado seed moth); <i>Conotrachelus</i> spp.
<i>Philadelphus</i> spp. (mock orange)	Europe	Elm mottle virus.

<i>Phoenix</i> spp. (date)	All	A diversity of diseases including but not limited to: Lethal yellowing disease; Cadang-cadang disease.
<i>Picea</i> spp. (spruce)	Europe, Japan, and Siberia	<i>Chrysomyxa ledi</i> (Alb. & Schw.) d By var. <i>rhododendri</i> (DC) Savile. (Rhododendron-spruce needle rust).
<i>Pinus</i> spp. (pine) (2- or 3-leaved)	Europe	<i>Phacidomyces pseudotsuga</i> (M. Wils.) Hahn (Douglas fir canker).
	Europe and Japan	<i>Cronartium flaccidum</i> (Alb. & Schw.) Wint. (Rust causing serious stunting of hard pines.)
	Japan	Gall-forming rust.
<i>Poaceae</i> (vegetative parts of all grains and grasses, except species of <i>Bambuseae</i>).	All except Canada	A wide diversity of plant diseases, including but not limited to: banana streak virus, barley yellow mosaic virus, barley yellow striate mosaic virus, brome streak mosaic virus, cereal chlorotic mosaic virus, cocksfoot mild mosaic virus, corn stunt Spiroplasma, Cynodon chlorotic streak virus, cynosurus mottle virus, Echinochloa ragged stunt virus, European aster yellows MLO, European wheat striate mosaic virus, Iranian maize mosaic virus, maize bushy stunt MLO, maize chlorotic mottle virus, maize mosaic virus, maize mottle/chlorotic stunt virus, maize rough dwarf virus, maize streak virus, maize stripe virus, northern cereal mosaic virus, oat red streak mosaic virus, oat sterile dwarf virus, rice dwarf virus, rice gall dwarf virus, rice tungro virus, rice wilted stunt virus, rice yellow mottle virus, rice yellow dwarf agent, yellow dwarf agent, sugarcane white leaf MLO, wheat yellow leaf virus, and wheat yellowing stripe bacterium.
<i>Populus</i> spp. (aspen, cottonwood, poplar).	Europe	<i>Xanthomonas populi</i> Ride (Canker).
<i>Pritchardia</i> spp.	All	A diversity of diseases including but not limited to: Lethal yellowing disease; Cadang-cadang disease.
<i>Prunus</i> spp. (almond, apricot, cherry, cherry laurel, English laurel, nectarine, peach, plum, prune) not meeting the conditions for importation in § 319.37-5(b).	All	A diversity of diseases including but not limited to those listed for <i>Prunus</i> in § 319.37-5(b)(1).
<i>Prunus</i> spp. seed only (almond, apricot, nectarine, peach, plum, and prune, but not species in subgenus <i>Cerasus</i>) not meeting the conditions for importation in § 319.37-5(j).	All	Plum pox (Sharka) virus.
<i>Pseudolarix</i> spp. (golden larch)	Provinces of New Brunswick and Nova Scotia in Canada, Europe, and Japan.	<i>Lachnellula wilkommii</i> (Hartig) Dennis (European larch canker).
<i>Pseudotsuga</i> spp. (Douglas fir)	Europe	<i>Phacidomyces pseudotsuga</i> (M. Wils.) Hahn (Douglas fir canker).
<i>Pyrus</i> spp. (pear) not meeting the conditions for importation in § 319.37-5(b).	All	A diversity of diseases including but not limited to those listed for <i>Pyrus</i> in § 319.37-5(b)(1).
<i>Quercus</i> spp. (oak)	Japan	<i>Stereum hiugense</i> Imazeki (White rot); a gall-forming rust.
<i>Ravenea</i> spp. (palm)	All	A diversity of diseases including but not limited to: lethal yellowing disease; cadang-cadang disease.
<i>Ribes</i> spp. (currant, gooseberry) ..	Europe and New Zealand	Black currant reversion agent.
<i>Rosa</i> spp. (rose)	Australia, Bulgaria, Italy, and New Zealand	Rose wilt virus.
<i>Salix</i> spp. (willow)	Belgium, Germany, Great Britain, Japan, and the Netherlands	<i>Erwinia salicis</i> (Day) Chester (Watermark disease).
Seeds of all kinds when in pulp ...	All except Canada	Fruit flies, or other injurious insects.

Prohibited article (includes seeds only if specifically mentioned)	Foreign places from which prohibited	Plant pests existing in the places named and capable of being transported with the prohibited article
<i>Solanum</i> spp. (potato) (tuber bearing species only—Section Tuberarium), including potato tubers.	All except Canada (except Newfoundland and that portion of the Municipality of Central Saanich in the Province of British Columbia east of the West Saanich Road)..	Andean potato latent virus; Andean potato mottle virus; potato mop top virus; dulcamara mottle virus; tomato blackring virus; tobacco rattle virus; potato virus Y (tobacco vein necrosis strain); potato purple top wilt agent; potato marginal flavescence agent; potato purple top roll agent; potato witches broom agent; stolbur agent; parastolbur agent; potato leaflet stunt agent; potato spindle tuber viroid; arracacha virus B; potato yellowing virus.
<i>Solanum</i> spp. true seed (tuber bearing species only—Section Tuberarium).	All except Canada, New Zealand, and the X region of Chile (that area of Chile between 39° and 44° South latitude—see § 319.37-5(o)).	Andean potato latent virus, potato virus T, tobacco ringspot virus (Andean potato calico strain); arracacha virus B; potato yellowing virus.
<i>Solanum</i> spp. not meeting the conditions for importation in § 319.37-5(r).	All	Potato brown rot (<i>Ralstonia solanacearum</i> race 3 biovar 2).
<i>Sorbus</i> spp. (mountain ash)	Czech Republic, Denmark, Germany, Slovakia	Mountain ash variegation or ringspot mosaic disease.
<i>Syringa</i> spp. (lilac) not meeting the conditions for importation in § 319.37-5(i).	Europe	Elm mottle virus.
<i>Theobroma</i> spp. (cacao)	All	A diversity of diseases and pests including but not limited to: cocoa swollen shoot virus, cocoa mottle leaf virus, cocoa yellow mosaic virus, cocoa necrosis virus, <i>Crinipellis perniciosa</i> (Stahel) Singer (witches broom fungus), <i>Monilia roerei</i> — <i>Monilophthora roerei</i> (CiF.) H.C. Evans <i>et al.</i> (watery pod rot), cocoa isolates of <i>Ceratocystis fimbriata</i> Ellis and Halst (wilt), <i>Trachysphaera fructigena</i> Tabor and Bunting (mealy pod agents of cushy gall disease), <i>Oncobasidium theobromae</i> Talbot and Keane (vascular streak die-back), <i>Xyleborus</i> spp. beetles and <i>Acrocercops cramei</i> (Snellen) (cocoa moth).
<i>Trachycarpus</i> spp. (windmill palm)	All	A diversity of diseases including but not limited to: Lethal yellowing disease; Cadang-cadang disease.
<i>Ulmus</i> spp. (elm) (including seeds).	Europe	Elm mottle virus.
<i>Veitchia</i> spp.	All	A diversity of diseases including but not limited to: Lethal yellowing disease; Cadang-cadang disease.
<i>Vitis</i> spp. (grape) not meeting the conditions for importation in § 319.37-5(b).	All	A diversity of diseases including but not limited to those specified for <i>Vitis</i> in § 319.37-5(b)(1).
<i>Watsonia</i> spp. (bugle lily)	Africa	<i>Puccinia mcleanii</i> Doidge (rust), <i>Uredo gladioli-buettneri</i> Bub. (rust), <i>Uromyces gladioli</i> P. Henn. (rust), <i>U. nyikensis</i> Syd. (rust).
<i>Watsonia</i> spp. (bugle lily), except bulbs in commercial shipments.	Argentina, Uruguay	<i>U. gladioli</i> P. Henn. (rust).
<i>Zizania</i> spp. (wild rice) seed only (all other <i>Zizania</i> articles are included under Poaceae).	Africa, Brazil, France, Italy, Malta, Mauritius, Portugal	<i>U. transversalis</i> (Thuem.) Wint. (rust).
	All except Canada	<i>Xanthomonas campestris</i> pv. <i>oryzae</i> (Ishiyama) Dye.

(b) The following listed articles from all foreign places except Canada are prohibited articles and are prohibited from being imported or offered for entry into the United States except as provided in paragraph (c) of this section:

(1) *Rhododendron* spp. (rhododendron and azalea) or other genera or species of similar slow growth habit, other than artificially dwarfed plants meeting the conditions in §319.37-5(q):

(i) Exceeding 3 years of age if grown from seeds or cuttings; or

(ii) Exceeding 2 years of age after severance from the parent plant if produced by layers; or

(iii) Having more than 3 years' growth from the bud or graft if produced by budding or grafting.

(2) Any naturally dwarf or miniature form of tree or shrub exceeding 305 millimeters (approximately 12 inches) in length from the soil line.

(3) Herbaceous perennials (except epiphytes) imported in the form of root crowns or clumps exceeding 102 millimeters (approximately 4 inches) in diameter.

(4) Stem cuttings without leaves, without roots, without sprouts, and without branches (other than cactus cuttings and cuttings of epiphytes) exceeding 102 millimeters (approximately 4 inches) in diameter or exceeding 1.83 meters (approximately 6 feet) in length; and stem cuttings of epiphytes with or without aerial roots (without leaves, without sprouts, and without branches) exceeding 102 millimeters (approximately 4 inches) in diameter or exceeding 1.83 meters (approximately 6 feet) in length.

(5) Cactus cuttings (without roots or branches) exceeding 153 millimeters (approximately 6 inches) in diameter or exceeding 1.22 meters (approximately 4 feet) in length.

(6)(i) Plants (other than stem cuttings, cactus cuttings, artificially dwarfed plants meeting the conditions in §319.37-5(q), and palms and plants whose growth habits simulate palms) exceeding 460 millimeters (approximately 18 inches) in length from soil line (top of rooting zone for plants produced by air layering) to the farthest terminal growing point and whose growth habits simulate the woody hab-

its of trees and shrubs, including but not limited to cacti, cycads, yuccas, and dracaenas.

(ii) Palms and plants whose growth habits simulate palms, that exceed a total length (stem plus leaves) of 915 millimeters (approximately 36 inches) in length.

(7) Any tree or shrub of a type not listed above, other than an artificially dwarf plant meeting the conditions in §319.37-5(q), and:

(i) Exceeding 2 years of age if grown from seeds or cuttings; or

(ii) Exceeding 1 year of age after severance from the parent plant if produced by layers; or

(iii) Having more than 2 years' growth from the bud or graft if produced by budding or grafting.

(c) Any article listed as a prohibited article in paragraph (a) or (b) of this section may be imported or offered for entry into the United States if:

(1) Imported by the United States Department of Agriculture for experimental or scientific purposes;

(2) Imported at the Plant Germplasm Quarantine Center, Building 320, Beltsville Agricultural Research Center East, Beltsville, MD 20705 or at a port of entry designated by an asterisk in §319.37-14(b);

(3) Imported pursuant to a Departmental permit issued for such article and kept on file at the port of entry;

(4) Imported under conditions specified on the Departmental permit and found by the Deputy Administrator to be adequate to prevent the introduction into the United States of plant pests, i.e., conditions of treatment, processing, growing, shipment, disposal; and

(5) Imported with a Departmental tag or label securely attached to the outside of the container containing the article or securely attached to the article itself if not in a container, and with such tag or label bearing a Departmental permit number corresponding

to the number of the Departmental permit issued for such article.

[45 FR 31585, May 13, 1980; 45 FR 35305, May 27, 1980, as amended at 56 FR 19790, Apr. 30, 1991; 57 FR 334, Jan. 6, 1992; 57 FR 43145, 43147, 43148, Sept. 18, 1992; 59 FR 9918, Mar. 2 1994; 59 FR 44610, Aug. 30, 1994; 60 FR 8924, Feb. 16, 1995; 62 FR 50238, Sept. 25, 1997; 63 FR 13485, Mar. 20, 1998; 67 FR 53730, Aug. 19, 2002; 68 FR 28118, May 23, 2003; 68 FR 50043, Aug. 20, 2003]

§319.37-3 Permits.

(a) The restricted articles (other than articles for food, analytical, medicinal, or manufacturing purposes) in any of the following categories may be imported or offered for importation into the United States only after issuance of a written permit by the Plant Protection and Quarantine Programs:

(1) Articles subject to treatment and other requirements of §319.37-6;

(2) Articles subject to the postentry quarantine conditions of §319.37-7;

(3) Bulbs of *Allium sativum* spp. (garlic), *Crocasmia* spp. (montebretia), *Gladolus* spp. (gladiolus), and *Watsonia* spp. (bugle lily) from New Zealand;

(4) Articles of *Cocos nucifera* (coconut); and articles (except seeds) of *Dianthus* spp. (carnation, sweet-william) from any country or locality except Canada;

(5) Lots of 13 or more articles (other than seeds, bulbs, or sterile cultures of orchid plants) from any country or locality except Canada;

(6) Seeds of trees or shrubs from any country or locality except Canada;

(7) Articles (except seeds) of *Malus* spp. (apple, crabapple), *Pyrus* spp. (pear), *Prunus* spp. (almond, apricot, cherry, cherry laurel, English laurel, nectarine, peach, plum, prune), *Cydonia* spp. (quince), *Chaenomeles* spp. (flowering quince), and *Rubus* spp. (cloudberry, blackberry, boysenberry, dewberry, loganberry, raspberry), from Canada;

(8) Articles (except seeds) of *Castanea* spp. (chestnut) or *Castanopsis* spp. (chinquapin) destined to California or Oregon;

(9) Articles (except seeds) of *Pinus* spp. (pine), (5-leaved) destined to Wisconsin;

(10) Articles of *Ribes* spp. (currant, gooseberry), (including seeds) destined to Massachusetts, New York, West Virginia, or Wisconsin;

(11) Articles (except seeds) of *Planera* spp. (water elm, planer) or *Zelkova* spp. from Europe, Canada, St. Pierre Island, or Miquelon Island and destined to California, Nevada, or Oregon;

(12) Seeds of *Prunus* spp. (almond, apricot, cherry, cherry laurel, English laurel, nectarine, peach, plum, prune) from Canada and destined to Colorado, Michigan, New York, Washington, or West Virginia;

(13) Articles (except seeds) of *Vitis* spp. (grape) from Canada and destined to California, New York, Ohio, Oregon, and Washington;

(14) Articles (except seeds) of *Corylus* spp. (filbert, hazel, hazelnut, cobnut) from provinces east of Manitoba in Canada and destined to Oregon or Washington;

(15) Articles (except seeds) of *Pinus* spp. (pine) from Canada;

(16) Articles (except seeds) of *Ulmus* spp. (elm) from Canada and destined to California, Nevada, or Oregon.

(17) *Solanum tuberosum* true seed from New Zealand and the X Region of Chile (that area of Chile between 39° and 44° South latitude—see §319.37-5(o)).

(b) An application for a written permit should be submitted to the Plant Protection and Quarantine Programs (Animal and Plant Health Inspection Service, Plant Protection and Quarantine, Port Operations, Permit Unit, 4700 River Road Unit 136, Riverdale, Maryland 20737-1236) at least 30 days prior to arrival of the article at the port of entry. The completed application shall include the following information:⁴

(1) Name, address, and telephone number of the importer;

(2) Approximate quantity and kinds (botanical designations) of articles intended to be imported;

(3) Country(ies) or locality(ies) where grown;

(4) Intended United States port of entry;

⁴Application forms are available without charge from the Animal and Plant Health Inspection Service, Plant Protection and Quarantine, Port Operations, Permit Unit, 4700 River Road Unit 136, Riverdale, Maryland 20737-1236, local offices which are listed in telephone directories.

(5) Means of transportation, e.g., mail, airmail, express, air express, freight, airfreight, or baggage; and

(6) Expected date of arrival.

(c) A permit indicating the applicable conditions for importation under this subpart will be issued by Plant Protection and Quarantine Programs if, after review of the application, the articles are deemed eligible to be imported into the United States under the conditions specified in the permit. However, even if such a permit is issued, the regulated article may be imported only if all applicable requirements of this subpart are met and only if an inspector at the port of entry determines that no remedial measures pursuant to the Plant Protection Act are necessary with respect to the regulated article.⁵

(d) Any permit which has been issued may be withdrawn by an inspector or the Deputy Administrator if he/she determines that the holder thereof has not complied with any condition for the use of the document. The reasons for the withdrawal shall be confirmed in writing as promptly as circumstances permit. Any person whose permit has been withdrawn may appeal the decision in writing to the Deputy Administrator within ten (10) days after receiving the written notification of the withdrawal. The appeal shall state all of the facts and reasons upon which the person relies to show that the permit was wrongfully withdrawn. The Deputy Administrator shall grant or deny the appeal, in writing, stating the reasons for the decision as promptly as circumstances permit. If there is a conflict as to any material fact, a hearing shall be held to resolve such conflict.

(e) Any restricted article not designated in paragraph (a) of this section may be imported or offered for importation into the United States only after issuance of an oral permit for importation issued by an inspector at the port of entry.

(f) An oral permit for importation of an article shall be issued at a port of

entry by an inspector only if all applicable requirements of this subpart are met, such article is eligible to be imported under an oral permit, and an inspector at the port of entry determines that no measures pursuant to section 414 of the Plant Protection Act (7 U.S.C. 7714) are necessary with respect to such article.⁵

(Approved by the Office of Management and Budget under control number 0579-0049)

[45 FR 31585, May 13, 1980, as amended at 48 FR 57466, Dec. 30, 1983; 57 FR 43148, Sept. 18, 1992; 59 FR 67610, Dec. 30, 1994; 60 FR 8924, Feb. 16, 1995; 66 FR 21055, Apr. 27, 2001; 69 FR 61586, Oct. 20, 2004]

§ 319.37-4 Inspection, treatment, and phytosanitary certificates of inspection.

(a) *Phytosanitary certificates of inspection.* Any restricted article offered for importation into the United States must be accompanied by a phytosanitary certificate of inspection or, in the case of greenhouse-grown plants from Canada imported in accordance with paragraph (c) of this section, a certificate of inspection in the form of a label in accordance with paragraph (c)(1)(iv) of this section attached to each carton of the articles and to an airway bill, bill of lading, or delivery ticket accompanying the articles.

(b) *Inspection and treatment.* Any restricted article may be sampled and inspected by an inspector at the port of first arrival and/or under preclearance inspection arrangements in the country in which the article was grown, and must undergo any treatment contained in the Plant Protection and Quarantine Treatment Manual⁶ that is ordered by the inspector. Any restricted article found upon inspection to contain or be contaminated with plant pests, that cannot be eliminated by treatment, shall be denied entry at the first United States port of arrival.

(c) *Greenhouse-grown plants from Canada.* A greenhouse-grown restricted plant may be imported from Canada if the Plant Health and Production Division of the Canadian Food Inspection

⁵An inspector may hold, seize, quarantine, treat, apply other remedial measures to, destroy, or otherwise dispose of plants, plant pests, or other articles in accordance with sections 414, 421, and 434 of the Plant Protection Act (7 U.S.C. 7714, 7731, and 7754).

⁶The Plant Protection and Quarantine Manual is incorporated by reference at § 300.1 of this chapter.

Agency (CFIA) signs a written agreement with the Animal and Plant Health Inspection Service allowing such importation, and provided that the following conditions are met:

(1) The Plant Health and Production Division of CFIA shall:

(i) Eliminate individual inspections and phytosanitary certification of each shipment of articles exported in accordance with this section;

(ii) Enter into written agreements with, and assign a unique identification number to, each greenhouse grower participating in the greenhouse program;

(iii) Inspect greenhouses and the plants being grown in them using inspection methods and schedules approved by Plant Protection and Quarantine to ensure that the criteria of this subsection are met;

(iv) Issue labels to each grower participating in the program. The labels issued to each grower shall bear a unique number identifying that grower, and shall bear the following statement: "This shipment of greenhouse-grown plants meets the import requirements of the United States, and is believed to be free from injurious plant pests. Issued by Plant Health and Production Division, Canadian Food Inspection Agency." The Plant Health and Production Division, CFIA, shall also ensure that the label is placed on the airway bill, bill of lading, or delivery ticket accompanying each shipment of articles; and

(v) Ensure that only plants that are not excluded shipment by the criteria of this subsection are shipped.

(2) Each greenhouse grower participating in the program shall enter into an agreement with the Plant Health and Production Division of CFIA in which the grower agrees to:

(i) Maintain records of the kinds and quantities of plants grown in their greenhouses, including the date of receipt and place of origin of the plants; keep the records for at least 1 year after the plants are shipped to the United States; and make the records available for review and copying upon request by either the Plant Health and Production Division of CFIA or an authorized representative of the Secretary of Agriculture;

(ii) Apply to an airway bill, bill of lading, or delivery ticket for plants to be shipped to the United States a label issued by CFIA that includes the identification number assigned to the grower by the Plant Health and Production Division, CFIA, and the following certification statement: "This shipment of greenhouse grown plants meets the import requirements of the United States and is believed to be free from injurious plant pests. Issued by Plant Health and Production Division, Canadian Food inspection Agency."; and

(iii) Use pest control practices approved by Plant Protection and Quarantine and the Plant Health and Production Division of CFIA to exclude pests from the greenhouses.

[57 FR 43148, Sept. 18, 1992, as amended at 67 FR 8465, Feb. 25, 2002; 68 FR 50045, Aug. 20, 2003]

§319.37-5 Special foreign inspection and certification requirements.

(a) Any restricted article (except seeds; unrooted cuttings; articles collected from the wild; and articles solely for food, analytical, or manufacturing purposes) from a country listed below, at the time of arrival at the port of first arrival in the United States shall be accompanied by a phytosanitary certificate of inspection which shall contain an accurate additional declaration that such article was grown on land which has been sampled and microscopically inspected by the plant protection service of the country in which grown within 12 months preceding issuance of the certificate and found free from potato cyst nematodes, *Globodera rostochiensis* (Woll.) Behrens and *G. pallida* (Stone) Behrens:

Algeria, Argentina, Australia, Austria, Azores, Belgium, Bolivia, Bulgaria, Canada (only that portion comprising Newfoundland and that portion of the Municipality of Central Saanich in the Province of British Columbia east of the West Saanich Road), Channel Islands, Chile, Colombia, Costa Rica, Crete, Cyprus, Czechoslovakia, Denmark (including Faeroe Islands), Ecuador, Egypt, Federal Republic of Germany (West), Finland, France, German Democratic Republic (East), Great Britain, Greece, Guernsey, Hungary, Iceland, India, Ireland, Italy,

Japan, Jersey, Jordan, Lebanon, Luxembourg, Malta, Mexico, Morocco, The Netherlands, New Zealand, Northern Ireland, Norway, Pakistan, Panama, Peru, the Philippines, Poland, Portugal, South Africa, Spain (including Canary Islands), Sweden, Switzerland, Tunisia, Union of Soviet Socialist Republics, Venezuela, and Yugoslavia.

(b)(1) Any of the following restricted articles (except seeds) at the time of arrival at the port of first arrival in the United States must be accompanied by a phytosanitary certificate of inspection which contains an additional declaration that the article was grown in a nursery in Belgium, Canada, Federal Republic of Germany, France, Great Britain, or The Netherlands and that the article was found by the plant protection service of the country in which the article was grown to be free of the following injurious plant diseases listed in paragraph (b)(3) of this section: For *Chaenomeles* spp. (flowering quince) and *Cydonia* spp. (quince), diseases (i), (ii), (iv), (xviii), (xix), (xx), and (xxi); for *Malus* spp. (apple, crabapple), diseases (i), (ii), (iii), (vi), (vii), (xxii), and (xxiii); for *Prunus* spp. (almond, apricot, cherry, cherry laurel, English laurel, nectarine, peach, plum, prune), diseases (i), (ix) through (xvii), and (xxii); and for *Pyrus* spp. (pear), diseases (i), (ii), (iv), (v), (xviii), (xix), (xx), (xxi) and (xxii); and for *Vitis* spp. (grape) from Canada, diseases (xiv) through (xvii) and (xxiv) through (xliii). The determination by the plant protection service that the article is free of these diseases will be based on visual examination and indexing of the parent stock of the article and inspection of the nursery where the restricted article is grown to determine that the nursery is free of the specified diseases. An accurate additional declaration on the phytosanitary certificate of inspection by the plant protection service that a disease does not occur in the country in which the article was grown may be used in lieu of visual examination and indexing of the parent stock for that disease and inspection of the nursery.

(2) Species of *Prunus* not immune to plum pox virus (species other than *P. avium*, *P. cerasus*, *P. effusa*, *P. laurocerasus*, *P. mahaleb*, *P. padus*, *P. sargentii*, *P. serotina*, *P. serrula*, *P. serrulata*, *P. subhirtella*, *P. yedoensis*,

and *P. virginiana*) and grown in Belgium, France, Germany, Great Britain, or The Netherlands shall be certified only from the government operated nurseries (research stations) where the certified plants were grown and the original parent stock is indexed for the appropriate national fruit tree certification program.

(3) List of diseases.

(i) *Monilinia fructigena* (Aderh. & Ruhl.) Honey (Brown rot of fruit).

(ii) *Guignardia piricola* (Nose) Yamamoto (Leaf, branch, and fruit disease).

(iii) Apple proliferation agent.

(iv) Pear blister canker virus.

(v) Pear bud drop virus.

(vi) *Diaporthe mali* Bres. (Leaf, branch & fruit fungus).

(vii) Apple green crinkle virus.

(viii) Apple chat fruit virus.

(ix) Plum pox (=Sharka) virus.

(x) Cherry leaf roll virus.

(xi) Cherry rusty mottle (European) agent.

(xii) Apricot chlorotic leaf roll agent.

(xiii) Plum bark split virus.

(xiv) Arabis mosaic virus and its strains.

(xv) Raspberry ringspot virus and its strains.

(xvi) Tomato blackring virus and its strains.

(xvii) Strawberry latent ringspot virus and its strains.

(xviii) Quince sooty ringspot agent.

(xix) Quince yellow blotch agent.

(xx) Quince stunt agent.

(xxi) *Gymnosporangium asiaticum* Miyabe ex. Yamada (Rust).

(xxii) *Valsa mali* Miyabe and Yamada ex. Miura (Branch canker fungus).

(xxiii) Apple ringspot virus.

(xxiv) The following nematode transmitted viruses of the polyhedral type: Artichoke Italian latent virus, Grapevine Bulgarian latent virus, Grapevine fanleaf virus and its strains, and Hungarian chrome mosaic virus.

(xxv) Grapevine asteroid mosaic agent.

(xxvi) Grapevine Bratislava mosaic virus.

(xxvii) Grapevine chasselas latent agent.

(xxviii) Grapevine corky bark "Legno riccio" agent.

(xxix) Grapevine leaf roll agent.

- (xxx) Grapevine little leaf agent.
- (xxxi) Grapevine stem pitting agent.
- (xxxii) Grapevine vein mosaic agent.
- (xxxiii) Grapevine vein necrosis agent.
- (xxxiv) Flavescence-doree agent.
- (xxxv) Black wood agent (bois-noir).
- (xxxvi) Grapevine infectious necrosis bacterium.
- (xxxvii) Grapevine yellows disease bacterium.
- (xxxviii) *Xanthomonas ampelina* Panagopoulos.
- (xxxix) *Peyronellaea glomerata* Ciferri.
- (xl) *Pseudopeziza tracheiphila* Muller-Thur-gau.
- (xli) *Rhacodiella vitis* Sterenberg.
- (xlii) *Rosellinia necatrix* Prill.
- (xliii) *Septoria melanosia* (Violla and Ravav) Elenk.

(c) Any restricted article (except seeds) of *Chrysanthemum* spp. (chrysanthemum), *Dendranthema* spp. (chrysanthemum), *Leucanthemella serotina*, or *Nipponanthemum nipponicum*, from any foreign place except Europe, Argentina, Brazil, Canada, the Canary Islands, Chile, Colombia, the Republic of South Africa, Uruguay, Venezuela, and all countries and localities located in part or entirely between 90° and 180° east longitude shall, at the time of arrival at the port of first arrival in United States, be accompanied by a phytosanitary certificate of inspection. The phytosanitary certificate of inspection must contain a declaration that such article was grown in a greenhouse nursery and found by the plant protection service of the country in which grown to be free from white rust of chrysanthemum (caused by the rust fungus *Puccinia horiana* P. Henn.) based on visual examination of the parent stock, the articles for importation, and the greenhouse nursery in which the articles for importation and the parent stock were grown, once a month for 4 consecutive months immediately prior to importation.

(d) Any restricted article (except seeds) of *Dianthus* spp. (carnation, sweet-william) from Great Britain shall be grown under postentry quarantine conditions specified in §319.37-7(c) unless at the time of arrival at the port of first arrival in the United States the phytosanitary certificate of inspection accompanying such article

contains an accurate additional declaration that such article was grown in a greenhouse nursery in Great Britain and found by the plant protection service of Great Britain to be free from injurious plant diseases caused by *Phialophora cinerescens* (Wr.) van Beyma (= *Verticillium cinerescens* Wr.), carnation etched ring virus, carnation "streak" virus, and carnation "fleck" virus, based on visual examination of the parent stock, of the articles for importation, and of the greenhouse nursery in which the articles for importation and the parent stock are grown, once a month for 4 consecutive months immediately prior to importation, and based on indexing of the parent stock.

(e) Any restricted article (except seeds) of *Rubus* spp. (cloudberry, blackberry, boysenberry, dewberry, loganberry, raspberry) from Canada, shall be grown under postentry quarantine conditions specified in §319.37-7 unless at the time of arrival at the port of first arrival in the United States the phytosanitary certificate of inspection accompanying such article contains an accurate additional declaration that such article was found by the plant protection service of Canada to be free of *Rubus* stunt agent based on visual examination and indexing of the parent stock.⁷

(f) Any restricted article (except seeds) of *Rubus* spp. (cloudberry, blackberry, boysenberry, dewberry, loganberry, raspberry) from Europe at the time of arrival at the port of first arrival in the United States shall be accompanied by a phytosanitary certificate of inspection which shall contain an accurate additional declaration that such article was found by the plant protection service of the country of origin to be free of *Rubus* stunt agent based on visual examination and indexing of the parent stock.

(g) Any seed of *Cocos nucifera* (coconut) at the time of arrival at the port of first arrival in the United States shall be accompanied by a phytosanitary certificate of inspection which shall contain an accurate additional declaration that such seed was found by the plant protection service of

⁷Such testing is done under a Raspberry Plant Certification Program of Canada.

Costa Rica or of Jamaica to be of Malayan dwarf variety or Maypan variety (=F₁ hybrid, Malayan Dwarf x Panama Tall) (which are resistant to lethal yellowing disease) based on visual examination of the parent stock.

(h) Any restricted article of *Fragaria* spp. (strawberry) from Israel is prohibited as specified in §319.37-2(a) unless at the time of arrival at the port of first arrival in the United States the phytosanitary certificate accompanying the article of *Fragaria* spp. contains an additional declaration that stipulates that the parent stock was found free of red stele disease pathogen as well as any other damaging strawberry pathogens, based on visual inspection and indexing.

(i) Any restricted article of *Syringa* spp. (lilac) from the Netherlands is prohibited as specified in §319.37-2(a) unless, at the time of arrival at the port of first arrival in the United States, the phytosanitary certificate accompanying the article of *Syringa* spp. (lilac) contains a declaration that stipulates that the parent stock was found free of plant diseases by inspection and indexing and that the *Syringa* spp. (lilac) to be imported were propagated either by rooting cuttings from indexed parent plants or by grafting indexed parent plant material on seedling rootstocks, and were grown in:

(1) Fumigated soil (fumigated by applying 400 to 870 pounds of methyl bromide per acre and covering the soil with a tarpaulin for 7 days) in a field at least 3 meters from the nearest non-indexed *Syringa* spp. (lilac), or

(2) Soil that has been sampled and microscopically inspected by the plant protection service of the Netherlands within 12 months preceding issuance of the phytosanitary certificate and that has been found free of the plant parasitic nematodes capable of transmitting European nepoviruses, including, but not limited to, the Arabis mosaic nepovirus.

(j)(1) Seeds of *Prunus* spp. (almond, apricot, nectarine, peach, plum, and prune, but not species in the subgenus *Cerasus*) from Belgium, France, Federal Republic of Germany, The Netherlands, or Great Britain shall, at the time of arrival at the port of first arrival in the United States, be accompanied by a

phytosanitary certificate of inspection, containing accurate additional declarations that:

(i) The seeds are from parent stock grown in a nursery in Belgium, France, Federal Republic of Germany, The Netherlands, or Great Britain that is free of plum pox (Sharka) virus; and

(ii) The seeds have been found by the plant protection service of the country in which grown to be free of plum pox (Sharka) virus based on the testing of parent stock by visual examination and indexing.

(2) Seeds of *Prunus* spp. (almond, apricot, nectarine, peach, plum, and prune, but not species in the subgenus *Cerasus*), from all countries except those in Europe, Cyprus, Syria, and Turkey shall, at the time of arrival at the port of first arrival in the United States, be accompanied by a phytosanitary certificate of inspection, containing an accurate additional declaration that plum pox (Sharka) virus does not occur in the country in which the seeds were grown.

(k) Any restricted article of *Feijoa* (feijoa, pineapple guava) from New Zealand shall undergo postentry quarantine in accordance with §319.37-7 unless the article, at the time of arrival at the port of first arrival in the United States, is accompanied by a phytosanitary certificate of inspection, containing an accurate additional declaration that New Zealand is free of *Monilinia fructigena*.

(l) Any restricted article of *Gladiolus*, *Watsonia* or *Crocasmia* spp. from Luxembourg or Spain shall, at the time of arrival at the port of first arrival in the United States, be accompanied by a phytosanitary certificate of inspection, containing accurate additional declarations that:

(1) The plants were grown in a disease free environment in a greenhouse;

(2) The plants were subjected to 12 hours of continuous misting per day with water at 15-20 degrees Celsius on 2 consecutive days; and

(3) The plants were inspected by a plant quarantine official of the country where grown 20 days after the completion of the misting and were found free of gladiolus rust.

(m) Any restricted article of *Acer palmatum* or *Acer japonicum* from the

Netherlands is prohibited unless the article is accompanied, at the time of arrival at the port of first arrival in the United States, by a phytosanitary certificate of inspection, containing an accurate additional declaration that the article is of a nonvariegated variety of *A. palmatum* or *A. japonicum*.

(n) Any restricted article of *Howea* spp. (sentry palm) from Australia or New Zealand, is prohibited as specified in §319.37-2(a) unless at the time of arrival at the port of first arrival in the United States the phytosanitary certificate accompanying the article of *Howea* spp. contains both a declaration of origin and a declaration stipulating that the *Howea* is free of the lethal yellowing pathogen and the cadang-cadang pathogen, as well as any other damaging palm pathogens, based on visual inspection.

(o) Any *Solanum tuberosum* true seed imported from Chile shall, at the time of arrival at the port of first arrival in the United States, be accompanied by a phytosanitary certificate of inspection issued in Chile by the Servicio Agrícola y Ganadero (SAG), containing additional declarations that:

(1) The *Solanum* spp. true seed was produced by *Solanum* plants that were propagated from plantlets from the United States;

(2) The *Solanum* plants that produced the *Solanum tuberosum* true seed were grown in the Tenth (X) Region of Chile (that area of the country between 39° and 44° South latitude); and

(3) *Solanum tuberosum* tubers, plants, and true seed from each field in which the *Solanum* plants that produced the *Solanum tuberosum* true seed were grown have been sampled by SAG once per growing season at a rate to detect 1 percent contamination with a 99 percent confidence level (500 tubers/500 plants/500 true seeds per 1 hectare/2.5 acres), and that the samples have been analyzed by SAG using an enzyme-linked immunosorbent assay (ELISA) test or nucleic acid spot hybridization (NASH) non-reagent test, with negative results, for Andean Potato Latent Virus, Arracacha Virus B, Potato Virus T, the Andean Potato Calico Strain of Tobacco Ringspot Virus, and Potato Yellowing Virus.

(p) In addition to meeting the requirements of this subpart, any trees with roots and any shrubs with roots and persistent woody stems, unless greenhouse-grown throughout the year, that are imported from Canada will be subject to the inspection and certification requirements for gypsy moth in §319.77-4 of this part.

(q) Any artificially dwarfed plant imported into the United States, except for plants that are less than 2 years old, must have been grown and handled in accordance with the requirements of this paragraph and must be accompanied by a phytosanitary certificate of inspection that was issued by the government of the country where the plants were grown.

(1) Any growing media, including soil, must be removed from the artificially dwarfed plants prior to shipment to the United States unless the plants are to be imported in accordance with §319.37-8.

(2) The artificially dwarfed plants must be grown in accordance with the following requirements and the phytosanitary certificate required by this paragraph must contain declarations that those requirements have been met:

(i) The artificially dwarfed plants must be grown for at least 2 years in a greenhouse or screenhouse in a nursery registered with the government of the country where the plants were grown;

(ii) The greenhouse or screenhouse in which the artificially dwarfed plants are grown must have screening with openings of not more than 1.6 mm on all vents and openings, and all entryways must be equipped with automatic closing doors;

(iii) The artificially dwarfed plants must be grown in pots containing only sterile growing media during the 2-year period when they are grown in a greenhouse or screenhouse in a registered nursery;

(iv) The artificially dwarfed plants must be grown on benches at least 50 cm above the ground during the 2-year period when they are grown in a greenhouse or screenhouse in a registered nursery; and

(v) The plants and the greenhouse or screenhouse and nursery where they are grown must be inspected for any

evidence of pests and found free of pests of quarantine significance to the United States at least once every 12 months by the plant protection service of the country where the plants are grown.

(r) Any restricted article of *Pelargonium* spp. or *Solanum* spp. presented for importation into the United States may not be imported unless it meets the following requirements:

(1) Any restricted article of *Pelargonium* spp. or *Solanum* spp. imported from Canada under the provisions of the greenhouse-grown restricted plant program as described in §319.37-4(c) must be presented for importation at the port of first arrival in the United States with a certificate of inspection in the form of a label in accordance with §319.37-4(c)(1)(iv).

(2) For any article of *Pelargonium* spp. or *Solanum* spp. that does not meet the requirements of paragraph (r)(1) of this section and is from a country where *Ralstonia solanacearum* race 3 biovar 2 is not known to occur, the phytosanitary certificate of inspection required by §319.37-4 must contain an additional declaration that states "*Ralstonia solanacearum* race 3 biovar 2 is not known to occur in the country of origin"; *Provided*, that this additional declaration is not required on the phytosanitary certificate of inspection accompanying articles of *Solanum* spp. from Canada that do not meet the requirements of paragraph (r)(1) of this section.

(3) Any article of *Pelargonium* spp. or *Solanum* spp. that is from a country where *Ralstonia solanacearum* race 3 biovar 2 is known to occur must meet the following requirements:

(i) The national plant protection organization of the country in which the articles are produced (the NPPO) must have entered into a bilateral workplan with APHIS. This bilateral workplan must set out conditions for monitoring the production of articles of *Pelargonium* spp. and *Solanum* spp., for enforcement of the requirements of this paragraph (r)(3), and for the establishment of a trust fund as provided for in paragraph (r)(3)(xv) of this section.

(ii) The production site where the articles of *Pelargonium* spp. and *Solanum* spp. intended for export to the United

States are produced must be registered with and certified by both APHIS and the NPPO. As part of the certification process, production sites must be initially approved and thereafter visited at least once a year by APHIS and the NPPO to verify compliance with the requirements of this paragraph (r)(3).

(iii) The production site must conduct ongoing testing for *R. solanacearum* race 3 biovar 2. Only those articles of *Pelargonium* spp. or *Solanum* spp. that have been tested with negative results for the presence of *R. solanacearum* race 3 biovar 2 may be used in production and export. Records of the testing must be kept for two growing seasons and made available to representatives of APHIS and of the NPPO. All testing procedures must be approved by APHIS.

(iv) The production site must be constructed in a manner that ensures that outside water cannot enter the production site. The production site must be surrounded by a 1-meter buffer that is sloped so that water drains away from the production site.

(v) Dicotyledonous weeds must be controlled both within the production site and around it. The production site and the 1-meter buffer surrounding the production site must be free of dicotyledonous weeds.

(vi) All equipment that comes in contact with articles of *Pelargonium* spp. or *Solanum* spp. within the production site must be adequately sanitized so that *R. solanacearum* race 3 biovar 2 cannot be transmitted between plants or enter from outside the production site via the equipment.

(vii) Production site personnel must adequately sanitize their clothing and shoes and wash their hands before entering the production site to prevent the entry of *R. solanacearum* race 3 biovar 2 into the production site.

(viii) Growing media for articles of *Pelargonium* spp. and *Solanum* spp. must be free of *R. solanacearum* race 3 biovar 2. Growing media and containers for articles of *Pelargonium* spp. and *Solanum* spp. must not come in contact with soil, and soil may not be used as a growing medium.

(ix) Water used in maintenance of the plants at the production site must be free of *R. solanacearum* race 3 biovar 2.

The production site must either derive the water from an APHIS-approved source or treat the water with an APHIS-approved treatment before use.

(x) Growing media at the production site must not come in direct contact with any water source, such as an emitter or a hose end. If a drip irrigation system is used, backflow devices must be installed to prevent any *R. solanacearum* race 3 biovar 2 that may be present from spreading to the rest of the production site through the irrigation system. Ebb and flow irrigation may not be used.

(xi) Production site personnel must be educated regarding the various pathways through which *R. solanacearum* race 3 biovar 2 can be introduced into a production site and must be trained to recognize symptoms of *R. solanacearum* race 3 biovar 2 infection in articles of *Pelargonium* spp. or *Solanum* spp. in the production site.

(xii) Articles of *Pelargonium* spp. or *Solanum* spp. produced for export within an approved production site must be handled and packed in a manner adequate to prevent the presence of *R. solanacearum* race 3 biovar 2. The articles must be labeled with information indicating the production site from which the articles originated.

(xiii) If *R. solanacearum* race 3 biovar 2 is found in the production site or in consignments from the production site, the production site will be ineligible to export articles of *Pelargonium* spp. or *Solanum* spp. to the United States. A production site may be reinstated if a reinspection reveals that the production site is free of *R. solanacearum* race 3 biovar 2 and all problems in the production site have been addressed and corrected to the satisfaction of APHIS.

(xiv) The phytosanitary certificate of inspection required by §319.37-4 that accompanies these articles must contain an additional declaration that states "These articles have been produced in accordance with the requirements in 7 CFR 319.37-5(r)(3)."

(xv) The government of the country in which the articles are produced must enter into a trust fund agreement with APHIS before each growing season. The government of the country in which the articles are produced or its designated representative is required

to pay in advance all estimated costs that APHIS expects to incur through its involvement in overseeing the execution of paragraph (r)(3) of this section. These costs will include administrative expenses incurred in conducting the services enumerated in paragraph (r)(3) of this section and all salaries (including overtime and the Federal share of employee benefits), travel expenses (including per diem expenses), and other incidental expenses incurred by the inspectors in performing these services. The government of the country in which the articles are produced or its designated representative is required to deposit a certified or cashier's check with APHIS for the amount of the costs estimated by APHIS. If the deposit is not sufficient to meet all costs incurred by APHIS, the agreement further requires the government of the country in which the articles are produced or its designated representative to deposit with APHIS a certified or cashier's check for the amount of the remaining costs, as determined by APHIS, before the services will be completed. After a final audit at the conclusion of each shipping season, any overpayment of funds would be returned to the government of the country in which the articles are produced or its designated representative or held on account until needed.

(s) Any restricted article (except seeds) of *Pinus* spp. from Canada may be imported into the United States only if it meets the following requirements, as well as all other applicable requirements of this subpart, to prevent the introduction of pine shoot beetle (*Tomicus piniperda*):

(1) *From noninfested Canadian Provinces to all areas of the United States.* Restricted articles that originated in and were moved only through Canadian Provinces that are not considered to be infested or partially infested with pine shoot beetle (*Tomicus piniperda*), as determined by the Canadian Food Inspection Agency (CFIA), may be imported into any area of the United States only if:

(i) The accompanying phytosanitary certificate of inspection specifies the Canadian Province where the restricted articles originated and, if applicable, the Province or Provinces they were

moved through, if different from the Province of origin;

(ii) The U.S. destination (including county and State) of the restricted articles is plainly indicated on the restricted articles or, if applicable, on the outer covering, packaging, or container; and

(iii) If the restricted articles are to be moved through an area of the United States quarantined for pine shoot beetle, as provided in §301.50-3 of this chapter, en route to an area or areas in the United States not quarantined for pine shoot beetle during the period of January through September when the temperature is 10 °C (50 °F) or higher, the restricted articles are shipped in an enclosed vehicle or completely covered (such as with plastic canvas, or other closely woven cloth) so as to prevent access by the pine shoot beetle.

(2) *From infested or partially infested Canadian Provinces to U.S. infested areas.* Restricted articles that originated in or were moved through a Canadian Province that is considered to be infested or partially infested with pine shoot beetle (*Tomicus piniperda*), as determined by the CFIA, and are destined for and will be moved only through areas in the United States quarantined for pine shoot beetle, as provided in §301.50-3 of this chapter, may be imported into the United States only if:

(i) The accompanying phytosanitary certificate of inspection specifies the Canadian Province where the articles originated and, if applicable, the Province or Provinces they were moved through, if different from the Province of origin; and

(ii) The U.S. destination (including county and State) of the restricted articles is plainly indicated on the restricted articles or, if applicable, on the outer covering, packaging, or container.

(3) *From infested or partially infested Canadian Provinces to or through U.S. noninfested areas.* Restricted articles that originated in or were moved through a Canadian Province that is considered to be infested or partially infested with pine shoot beetle (*Tomicus piniperda*), as determined by the CFIA, and are destined for or will

be moved through an area in the United States that is not quarantined for pine shoot beetle, as provided in §301.50-3 of this chapter, may be imported into the United States only if:

(i) The accompanying phytosanitary certificate of inspection specifies the Canadian Province where the restricted articles originated and, if applicable, the Province or Provinces they were moved through, if different from the Province of origin. The treatment section of the phytosanitary certificate of inspection must indicate that the restricted articles have been treated with methyl bromide to kill the pine shoot beetle (*Tomicus piniperda*) in accordance with the applicable provisions of the Plant Protection and Quarantine Treatment Manual; or alternatively, in lieu of methyl bromide treatment, the phytosanitary certificate of inspection must contain one of the following additional declarations:

(A) "These restricted articles were grown on a plantation that has a program to control or eradicate pine shoot beetle (*Tomicus piniperda*) and have been inspected and are considered to be free from pine shoot beetle (*Tomicus piniperda*)"; or

(B) "These restricted articles originated in an area where pine shoot beetle (*Tomicus piniperda*) is not considered to be present, as determined by the CFIA"; or

(C) "These restricted articles have been 100 percent inspected and found to be free from pine shoot beetle (*Tomicus piniperda*)"; or

(D) "Based on inspection, the restricted articles are no greater than 36 inches high with a bole diameter at soil level of 1 inch or less."

(ii) The U.S. destination (including county and State) of the restricted articles is plainly indicated on the articles or, if applicable, on the outer covering, packaging, or container.

(iii) If the restricted articles are to be moved through an area of the United States quarantined for pine shoot beetle, as provided in §301.50-3 of this chapter, en route to an area or areas in the United States not quarantined for pine shoot beetle during the period of January through September when the temperature is 10 °C (50 °F) or higher, the restricted articles

must be shipped in an enclosed vehicle or completely covered (such as with plastic canvas, or other closely woven cloth) so as to prevent access by pine shoot beetle.

(Approved by the Office of Management and Budget under control numbers 0579-0049, 0579-0176, 0579-0221, 0579-0246, and 0579-0257)

[45 FR 31585, May 13, 1980; 45 FR 35305, May 27, 1980, as amended at 45 FR 53450, Aug. 12, 1980; 45 FR 81531, Dec. 11, 1980; 48 FR 57466, Dec. 30, 1983; 57 FR 43148, 43149, Sept. 18, 1992; 59 FR 44610, Aug. 30, 1994; 60 FR 4530, Jan. 24, 1995; 60 FR 8924, Feb. 16, 1995; 61 FR 51210, Oct. 1, 1996; 64 FR 45866, Aug. 23, 1999; 67 FR 53731, Aug. 19, 2002; 68 FR 28119, May 23, 2003; 68 FR 37915, June 25, 2003; 68 FR 50045, Aug. 20, 2003; 69 FR 2490, Jan. 16, 2004; 69 FR 21946, Apr. 23, 2004; 69 FR 61586, Oct. 20, 2004]

§319.37-6 Specific treatment and other requirements.

(a) Seeds of *Hibiscus* spp. (hibiscus, rose mallow) and seeds of *Abelmoschus* spp. (okra), from any foreign country or locality, at the time of importation into the United States, shall be treated for possible infestation with *Pectinophora gossypiella* (Saunders) (pink bollworm) in accordance with the applicable provisions of the Plant Protection and Quarantine Treatment Manual.⁸

(b) Seeds of *Lathyrus* spp. (sweet pea, peavine); *Lens* spp. (lentil); and *Vicia* spp. (fava bean, vetch) from countries and localities other than those in North America and Central America, at the time of importation into the United States, shall be treated for possible infestation with insects of the family Bruchidae in accordance with the applicable provisions of the Plant Protection and Quarantine Treatment Manual.

(c) Bulbs of *Allium sativum* (garlic) from Algeria, Austria, Czechoslovakia, Egypt, France, Greece, Hungary, Iran, Israel, Italy, Morocco, Portugal, Republic of South Africa, Spain, Switzerland, Syria, Turkey, Union of Soviet Socialist Republics, Federal Republic of Germany (West), or Yugoslavia at the time of importation into the United States shall be treated for possible infestation with *Brachymerus* spp. and *Dyspessa ulula* (Bkh.) in accordance with the applicable provisions of the

Plant Protection and Quarantine Treatment Manual.

(d) Seeds of *Guizotia abyssinica* (niger seed) are allowed entry only if:

(1) They are treated in accordance with the PPQ Treatment Manual at the time of arrival at the port of first arrival in the United States; or

(2) They are treated prior to shipment to the United States at a facility that is approved by APHIS⁹ and that operates in compliance with a written agreement between the treatment facility owner and the plant protection service of the exporting country, in which the treatment facility owner agrees to comply with the provisions of this section and allow inspectors and representatives of the plant protection service of the exporting country access to the treatment facility as necessary to monitor compliance with the regulations. Treatments must be certified in accordance with the conditions described in §319.37-13(c).

(e) Seeds of all species of the plant family *Rutaceae* from Afghanistan, Andaman Islands, Argentina, Bangladesh, Brazil, Caroline Islands, Comoro Islands, Cote d'Ivoire, Fiji Islands, Gabon, Home Island in Cocos (Keeling) Islands, Hong Kong, India, Indonesia, Iran, Japan, Kampuchea, Korea, Madagascar, Malaysia, Mauritius, Mozambique, Myanmar, Nepal, Oman, Pakistan, Papua New Guinea, Paraguay, Peoples Republic of China, Philippines, Reunion Island, Rodriguez Islands, Ryukyu Islands, Saudi Arabia, Seychelles, Sri Lanka, Taiwan, Thailand, Thursday Island, United Arab Emirates, Uruguay, Vietnam, Yemen (Sanaa), and Zaire, at the time of arrival at the port of first arrival in the United States shall be treated for possible infection with citrus canker by being immersed in water at 125 °F (51.6 °C) or higher for 10 minutes, and then immersed for a period of at least 2 minutes in a solution containing 200 parts per million sodium hypochlorite at a pH of 6.0 to 7.5.

(f) Seeds of *Castanea* and *Quercus* from all countries except Canada and

⁸See footnote 6 in §319.37-4.

⁹Criteria for the approval of niger seed treatment facilities are contained in the PPQ Treatment Manual, which is incorporated by reference at §300.1 of this chapter.

Mexico at the time of arrival at the port of first arrival in the United States shall be treated for possible infestation with *Curculio elephas* (Cyllenhal), *C. nucum* L., *Cydia* (*Laspeyresia*) *splendana* Hubner, *Pammene fusciana* L. (*Hemimene juliana* (Curtis)) and other insect pests of chestnut and acorn in accordance with the applicable provisions of the Plant Protection and Quarantine Treatment Manual.

[45 FR 31585, May 13, 1980; 45 FR 35305, May 27, 1980, as amended at 45 FR 49504, July 25, 1980; 57 FR 43148, 43150, Sept. 18, 1992; 60 FR 62320, Dec. 6, 1995; 61 FR 51210, Oct. 1, 1996; 68 FR 50046, Aug. 20, 2003]

§ 319.37-7 Postentry quarantine.

(a) The following restricted articles, from the designated countries and localities, and any increase therefrom must be grown under postentry quarantine conditions specified in paragraphs (c) and (d) of this section, and may be imported or offered for importation into the United States only:

(1) If destined for a State that has completed a State postentry quarantine agreement in accordance with paragraph (c) of this section;

(2) If a postentry quarantine growing agreement has been completed and submitted to Plant Protection and Quarantine in accordance with paragraph (d) of this section. The agreement must be signed by the person (the importer) applying for a written permit for importation of the article in accordance with § 319.37-3; and,

(3) If Plant Protection and Quarantine has determined that the completed postentry quarantine growing agreement fulfills the applicable requirements of this section and that services by State inspectors are available to monitor and enforce the postentry quarantine:

Restricted Article (excluding seeds)	Foreign Country(ies) or Locality(ies) from which imported
<i>Abelmoschus</i> spp. (okra).	All except Africa, Bangladesh, Brazil, Canada, India, Iraq, Papua New Guinea, Sri Lanka, and Trinidad and Tobago.
<i>Acacia</i> spp. (acacia)	All except Australia, Canada, and Oceania.
<i>Acer</i> spp. (maple)	All except Canada, Europe, and Japan.
<i>Actinidia</i> spp. (Chinese gooseberry, kiwi).	All except Australia, Canada, Japan, New Zealand, and Taiwan.

Restricted Article (excluding seeds)	Foreign Country(ies) or Locality(ies) from which imported
<i>Aesculus</i> spp. (horsechestnut).	All except Canada, Czech Republic, Germany, Romania, Slovakia, United Kingdom.
<i>Althaea</i> spp. (althaea, hollyhock).	All except Africa, Bangladesh, Canada, India, and Sri Lanka.
<i>Berberis</i> spp. (barberry) destined to any State except the eradication States listed in § 301.38-2a of this chapter (plants of all species and horticultural varieties designated as resistant to black stem rust in accordance with § 301.38-1 of this chapter).	All.
<i>Blighia sapida</i> (akee) ...	All except Canada, Cote d'Ivoire, and Nigeria.
<i>Bromeliaceae</i> (bromeliads) destined to Hawaii.	All.
<i>Brugmansia</i> spp.	All except Canada and Colombia.
<i>Cedrus</i> spp. (cedar)	All except Canada and Europe.
<i>Chaenomeles</i> spp. (flowering quince) meeting the conditions for importation in § 319.37-5(b).	Countries listed in § 319.37-5(b) except Canada.
<i>Chrysanthemum</i> spp. (chrysanthemum) meeting the conditions in § 319.37-5(c).	All except Argentina, Brazil, Canada, Canary Islands, Chile, Colombia, Europe, Republic of South Africa, Uruguay, Venezuela, and all countries, territories, and possessions of countries located in part or entirely between 90° and 180° East longitude.
<i>Crataegus monogyna</i> Jacq. (hawthorne, thornapple, red haw).	Europe.
<i>Crocodylia</i> spp. (montebretia) (except bulbs) not meeting the conditions for importation in § 319.37-5(l).	All except Africa, Argentina, Brazil, Canada, France, Italy, Luxembourg, Malta, Mauritius, Portugal, Spain, and Uruguay.
<i>Cydonia</i> spp. (quince) meeting the conditions for importation in § 319.37-5(b).	Countries listed in § 319.37-5(b) except Canada.
<i>Datura</i> spp.	All except Canada and India.
<i>Datura</i> spp. (woody species).	(See <i>Brugmansia</i> spp.)
<i>Dendranthema</i> spp. (chrysanthemum) meeting the conditions in § 319.37-5(c).	All except Argentina, Brazil, Canada, Canary Islands, Chile, Colombia, Europe, Republic of South Africa, Uruguay, Venezuela, and all countries, territories, and possessions of countries located in part or entirely between 90° and 180° East longitude.
<i>Dianthus</i> spp. (carnation, sweet-william).	Great Britain, unless exempted from postentry quarantine conditions pursuant to § 319.37-5(d), and all other countries and localities except Canada.
<i>Eucalyptus</i> spp.	All except Canada, Europe, Sri Lanka, and Uruguay.

Restricted Article (excluding seeds)	Foreign Country(ies) or Locality(ies) from which Imported	Restricted Article (excluding seeds)	Foreign Country(ies) or Locality(ies) from which Imported
<i>Euonymus</i> spp. (euonymus).	All except Canada, Japan, and Europe.	<i>Mespilus germanica</i> (medlar).	Countries listed in §319.37-5(b) except Canada.
<i>Fragaria</i> spp. (strawberry).	All except Australia, Austria, Canada, Czechoslovakia, France, Great Britain, Italy, Japan, Lebanon, The Netherlands, New Zealand, Northern Ireland, Republic of Ireland, Switzerland, and Union of Soviet Socialist Republics.	<i>Morus</i> spp. (mulberry)	All except Canada, India, Japan, Korea, People's Republic of China, Thailand, and the geographic area formerly known as the Union of Soviet Socialist Republics.
<i>Fraxinus</i> spp. (ash)	All except Canada and Europe.	<i>Nipponanthemum nipponicum</i> .	All except Argentina, Brazil, Canary Islands, Chile, Colombia, Europe, Republic of South Africa, Uruguay, Venezuela, and all countries, territories, and possessions of countries located in part or entirely between 90° and 180° east longitude.
Fruit and nut articles listed by common name in paragraph (b) of this section.	All except Canada.	Nut and fruit articles (see fruit and nut articles).	
<i>Gleditsia</i> spp. (gladiolus) (except bulbs) not meeting the condition for importation in §319.37-5(i).	All except Africa, Argentina, Brazil, Canada, France, Italy, Luxembourg, Malta, Mauritius, Portugal, Spain, and Uruguay.	<i>Passiflora</i> spp. (passion fruit, granadilla).	All except Canada.
<i>Hibiscus</i> spp. (kenaf, hibiscus, rose mallow).	All except Africa, Brazil, Canada, and India.	<i>Philadelphus</i> spp. (mock orange).	All except Canada and Europe.
<i>Humulus</i> spp. (hops) ...	All.	<i>Picea</i> spp. (spruce)	All except Canada, Europe, Japan, and Siberia.
<i>Hydrangea</i> spp. (hydrangea).	All except Canada and Japan.	<i>Pinus</i> spp. (pine) (2-or-3 leaved).	All except Canada, Europe, and Japan.
<i>Jasminum</i> spp. (jasmine).	All except Canada, Belgium, Federal Republic of Germany, Great Britain, India, and the Philippines.	<i>Populus</i> spp. (aspen, cottonwood, poplar).	All except Canada and Europe.
<i>Juniperus</i> spp. (juniper)	All except Canada and Europe.	<i>Prunus</i> spp. (almond, apricot, cherry, cherry laurel, English laurel, nectarine, peach, plum, prune) meeting the conditions for importation in §319.37-5(b).	Countries listed in §319.37-5(b) except Canada.
<i>Larix</i> spp. (larch)	All except Canada, Japan, and Europe.	<i>Pseudolarix</i> spp. (golden larch).	All except Canada, Japan, and Europe.
<i>Leucanthemella serotina</i> .	All except Argentina, Brazil, Canary Islands, Chile, Colombia, Europe, Republic of South Africa, Uruguay, Venezuela, and all countries, territories, and possessions of countries located in part or entirely between 90° and 180° east longitude.	<i>Pseudotsuga</i> spp. (Douglas fir).	All except Canada and Europe.
<i>Ligustrum</i> spp. (privet)	All except Canada and Europe.	<i>Pyrus</i> spp. (pear) meeting the conditions for importation in §319.37-5(b).	Countries listed in §319.37-5(b) except Canada.
<i>Mahoeberberis</i> spp. destined to any State except the eradication States listed in §301.38-2a of this chapter (plants of all species and horticultural varieties designated as resistant to black stem rust in accordance with §301.38-1 of this chapter).	All.	<i>Quercus</i> spp. (oak)	All except Canada and Japan.
<i>Mahonia</i> spp. (mahonia) destined to any State except the eradication States listed in §301.38-2a of this chapter (plants of all species and horticultural varieties designated as resistant to black stem rust in accordance with §301.38-1 of this chapter).	All.	<i>Ribes</i> spp.	All except Canada, Europe, and New Zealand.
<i>Malus</i> spp. (apple, crabapple) meeting the conditions for importation in §319.37-5(b).	Countries listed in §319.37-5(b) except Canada.	<i>Rosa</i> spp. (rose)	All except Australia, Bulgaria, Canada, Italy, and New Zealand.
		<i>Rubus</i> spp. (cloudberry, blackberry, boysenberry, dewberry, loganberry, raspberry).	All unless exempted from postentry quarantine conditions pursuant to §319.37-5(e).
		<i>Salix</i> spp. (willow)	All of Europe (except Belgium, Germany, Great Britain, and the Netherlands).
		<i>Sorbus</i> spp. (mountain ash).	All except Canada, Czechoslovakia, Denmark, and Federal Republic of Germany.
		<i>Syringa</i> spp. (lilac)	The Netherlands, if the articles meet the conditions for importation in §319.37-5(i), and all other places except Canada and Europe.
		<i>Ulmus</i> spp. (elm)	All except Canada and Europe.
		<i>Watsonia</i> spp. (bugle lily) (except bulbs) not meeting the conditions for importation in §319.37-5(i).	All except Africa, Argentina, Brazil, Canada, France, Italy, Luxembourg, Malta, Mauritius, Portugal, Spain, and Uruguay.

(b) *Fruit and nut articles* (common names are listed after scientific names).

Achras—(Synonym for *Manilkara*)
Annona—custard apple, cherimoya, sweetsop, sugarapple, soursop, bullock's heart, alligator apple, suncoya, ilama, guanabana, pond apple
Anacardium—cashew
Artocarpus—breadfruit, jackfruit
Averrhoa—carambola
Carica—papaya, pawpaw
Carissa—natal plum
Ceratonia—St. Johnsbread
Chrysobalanus—coco plum
Chrysophyllum—starapple
Corylus—filbert, hazel, hazelnut, cobnut
Crataegus—hawthorne
Diospyros—persimmon, kaki, mabola
Durio—durian
Eriobotrya—loquat, Japanese medlar, Japanese plum
Euphoria—longan
Eugenia—roseapple, Malayapple, Curacaoapple
Feijoa—feijoa, pineapple guava (except from New Zealand if accompanied by a phytosanitary certificate of inspection in accordance with §319.37-5(k))
Ficus—fig
Garcinia—mangosteen, gourka
Juglans—walnut, butternut, heartnut, regranut, buartnut
Lansium—langsat
Litchi—lychee, leechie
Macadamia—macadamia nut, queensland nut
Malpighia—Barbados cherry
Mammea—mammeapple, mamey
Mangifera—mango
Manilkara—sapodilla
Melicoccus—honeyberry, mamoncilla, spanish lime, genip
Nephelium—rambutan, pulasan
Olea—olive
Persea—avocado, alligator pear
Phyllanthus—otaheite-gooseberry
Pistacia—pistachio
Psidium—guava, guayala
Punica—pomegranate, granada
Pyronia—quinpear
Rhodomyrtus—hill gooseberry, rose myrtle
Spondias—yellow mombin, red mombin, hog plum
Syzygium—Malayapple, rose apple, java plum
Vaccinium—blueberry, cranberry
Ziziphus—jube

(c) *State Postentry quarantine agreement.* (1) Articles required to undergo postentry quarantine in accordance with this section may only be imported if destined for postentry quarantine growing in a State which has entered into a written agreement with the Ani-

mal and Plant Health Inspection Service, signed by the Administrator or his or her designee and by the State Plant Regulatory Official. In accordance with the laws of individual States, inspection and other postentry quarantine services provided by a State may be subject to charges imposed by the State.

(i) The following States have entered into a postentry quarantine agreement in accordance with this paragraph: All U.S. States and Territories, except the District of Columbia, Guam, Hawaii, Kansas, and the Northern Mariana Islands.

(ii) [Reserved]

(2) In any such written agreement, the State shall agree to:

(i) Establish State regulations and requirements prior to the effective date of the agreement and enforce such regulations and requirements necessary to inspect sites and plants growing in postentry quarantine and to monitor and enforce compliance with postentry quarantine growing in accordance with this section;

(ii) Review pending permit applications for articles to be grown under postentry quarantine conditions in the State, upon request of Plant Protection and Quarantine, and report to the Postentry Quarantine Unit of Plant Protection and Quarantine whether the State would be able to provide inspection and monitoring services for the proposed postentry quarantine;

(iii) Provide the services of State inspectors to: inspect sites to be used for postentry quarantine; report to the Postentry Quarantine Unit of Plant Protection and Quarantine whether the site is of adequate size to contain the number of plants proposed for importation, including potential increase if increase is allowed; inspect plants for evidence of exotic pests at least once during the first year and once during the second year for plants required to be grown in postentry quarantine for 2 years, and at least once for plants required to be grown in quarantine for less than 2 years; and monitor and enforce compliance with the requirements of this section during the use of the sites for postentry quarantine;

(iv) Report to the Postentry Quarantine Unit of Plant Protection and

Quarantine any evidence of plant pests that are not known to exist in the United States and that are found at a postentry quarantine site by State inspectors; recommend to Plant Protection and Quarantine safeguards or mitigation measures to control the pests; and supervise the application of safeguards or mitigation measures approved by Plant Protection and Quarantine; and

(v) Report to the Postentry Quarantine Unit of Plant Protection and Quarantine any propagation or increase in the number of plants that occurs during postentry quarantine.

(3) In any such written agreement, the Administrator shall agree to:

(i) Seek State review of permit applications for postentry quarantine material in that State, and issue permits only after determining that State services are available to monitor the postentry quarantine;

(ii) Upon request of the State, provide training, technical advice, and pest identification services to State officials involved in providing postentry quarantine services in accordance with this section;

(iii) Notify State officials, in writing and within ten days of the arrival, when plant material destined for postentry quarantine in their State arrives in the United States, and notify State officials in writing when materials in postentry quarantine may be released from quarantine in their State.

(4) *Termination of State postentry quarantine agreement.* A State postentry quarantine agreement may be terminated by either the Administrator or the State Plant Regulatory Official by giving written notice of termination to the other party. The effective date of the termination will be 60 days after the date of actual receipt of notice, with regard to future importation to that State of articles requiring postentry quarantine in accordance with this section. When a postentry quarantine agreement is terminated by either the State Plant Regulatory Official or the Administrator, APHIS and the affected State shall continue to provide postentry quarantine services in accordance with the postentry quarantine agreement, until the time the

plant material is eligible to be released from quarantine, for all postentry quarantine material already in the State, and for all postentry quarantine material that arrives in the State prior to the effective date of termination.

(d) *Postentry quarantine growing agreements.* Any restricted article required to be grown under postentry quarantine conditions, as well as any increase therefrom, shall be grown in accordance with a postentry quarantine growing agreement signed by the person (the importer) applying for a written permit in accordance with §319.37-3 for importation of the article and submitted to Plant Protection and Quarantine. On each postentry quarantine growing agreement, APHIS shall also obtain the signature of the State Plant Regulatory Official for the State in which regulated articles covered by the agreement will be grown. The postentry quarantine growing agreement shall specify the kind, number, and origin of plants to be imported, and shall certify to APHIS and to the State in which the articles are grown that the signer of the agreement will comply with the following conditions for the period of time specified below:

(1) To grow such article or increase therefrom only on specified premises owned, rented, or otherwise in possession of the importer, within a space of dimensions designated by an inspector, and to move, propagate, or allow propagation of the article or increase therefrom or parts thereof only with the written permission of the coordinator, Postentry Quarantine Unit, USDA, APHIS, PPQ, Building 580, BARC-East, Beltsville, MD 20705;

(2) To permit an inspector to have access to the specified premises for inspection of such article during regular business hours;

(3) To keep the article and any increase therefrom identified with a label showing the name of the article, port accession number, and date of importation;

(4) To keep the article separated from any other plant or plant product by no less than 3 meters (approximately 10 feet) unless such other plant or plant product is of the same genus

as the article, entered postentry quarantine with the article, and arrived together with the article in a single shipment from a foreign region;

(5) To allow or apply remedial measures (including destruction) determined by an inspector to be necessary to prevent the spread of an injurious plant disease, injurious insect pest, or other plant pest;

(6) To notify an inspector, orally or in writing, within 30 days of the time the importer or the person in charge of the growing site finds any abnormality of the article, or the article dies or is killed by the importer, the person in charge of the growing site, or any other person; to retain the abnormal or dead article for at least 60 days following that date of notification; and to give the abnormal or dead article to an inspector upon request;

(7) To grow the article or increase therefrom in postentry quarantine for a period of 2 years unless specified otherwise in the following:

(i) To grow the article or increase therefrom, if an article of *Rubus* spp. (cloudberry, blackberry, boysenberry, dewberry, loganberry, raspberry) from Europe, only in a screenhouse with screening of a minimum of 16 mesh per inch.

(ii) To grow the article or increase therefrom, if an article of *Chrysanthemum* spp., *Dendranthema* spp., *Leucanthemella* *serotina*, *Nipponanthemum nipponicum*, or *Dianthus* spp. (carnation, sweet-william), only in a greenhouse or other enclosed building, and to comply with the above conditions for a period of 6 months after importation for an article of *Chrysanthemum* spp., *Dendranthema* spp., *Leucanthemella* *serotina*, *Nipponanthemum nipponicum*, and for a period of 1 year after importation for an article of *Dianthus* spp. (carnation, sweet-william).

(iii) To grow the article or increase therefrom, if an article of *Humulus* spp. (hops), a meristem culture of the imported plant will be observed for 6 months, and the original plant will be destroyed after the meristem culture is established. After the 6-month observation, the meristem culture-generated plant must remain in postentry quarantine for an additional year.

(e) A completed postentry quarantine agreement shall accompany the application for a written permit for an article required to be grown under postentry quarantine conditions.¹⁰

(f) *Inspector-ordered disposal, movement, or safeguarding of restricted articles; costs and charges, civil and criminal liabilities.*

(1) *Growing at unauthorized sites.* If an inspector determines that any article subject to the postentry quarantine growing requirements of this section, or any increase therefrom, is being grown at an unauthorized site, the inspector may file an emergency action notification (PPQ form 523) with the owner of the article or the person who owns or is in possession of the site on which the article is being grown. The person named in the form 523 must, within the time specified in form 523, sign a postentry quarantine growing agreement, destroy, ship to a point outside the United States, move to an authorized postentry quarantine site, and/or apply treatments or other safeguards to the article, the increase therefrom, or any portion of the article or the increase therefrom, as prescribed by an inspector to prevent the introduction of plant pests into the United States. In choosing which action to order and in setting the time limit for the action, the inspector shall consider the degree of pest risk presented by the plant pest(s) associated with the kind of article (including increase therefrom), the types of other host materials for the pest in or near the growing site, the climate and season at the site in relation to the pest's survival, and the availability of treatment facilities.

(2) *Growing at authorized sites.* If an inspector determines that any article, or any increase therefrom, grown at a site specified in an authorized postentry quarantine growing agreement is being grown contrary to the

¹⁰Postentry quarantine agreement forms are available without charge from the Animal and Plant Health Inspection Service, Plant Protection and Quarantine, Port Operations, Permit Unit, 4700 River Road Unit 136, Riverdale, Maryland 20737-1236, or local offices of the Plant Protection and Quarantine Programs which are listed in telephone directories.

provisions of this section, including in numbers greater than the number approved by the postentry quarantine growing agreement, or in a manner that otherwise presents a risk of introducing plant pests into the United States, the inspector shall issue an emergency action notification (PPQ form 523) to the person who signed the postentry quarantine growing agreement. That person shall be responsible for carrying out all actions specified in the emergency action notification. The emergency action notification may extend the time for which the articles and the increase therefrom must be grown under the postentry quarantine conditions specified in the authorized postentry quarantine growing agreement, or may require that the person named in the notification must destroy, ship to a point outside the United States, or apply treatments or other safeguards to the article, the increase therefrom, or any portion of the article or the increase therefrom, within the time specified in the emergency action notification. In choosing which action to order and in setting the time limit for the action, the inspector shall consider the degree of pest risk presented by the plant pest(s) associated with the kind of article (including increase therefrom), the types of other host materials for the pest in or near the growing site, the climate and season at the site in relation to the pest's survival, and the availability of treatment facilities.

(3) *Costs and charges.* All costs pursuant to any action ordered by an inspector in accordance with this section shall be borne by the person who signed the postentry quarantine growing agreement covering the site where the articles were grown, or if no such agreement was signed, by the owner of the articles at the growing site.

(4) *Civil and criminal liabilities.* Any person who moves an article subject to postentry quarantine growing requirements from the site specified for that article in an authorized postentry quarantine growing agreement, or who otherwise handles such an article contrary to the requirements of this section, shall be subject to such civil penalties and such criminal liabilities as are provided by 18 U.S.C. 1001, 7 U.S.C.

7734, or other applicable Federal statutes.

(g) *State.* As used in this section, "State" means each of the 50 States of the United States, the District of Columbia, Guam, Northern Mariana Islands, Puerto Rico, the Virgin Islands of the United States, and all other territories and possessions of the United States.

(Approved by the Office of Management and Budget under control number 0579-0049)

[45 FR 31585, May 13, 1980; 45 FR 35305, May 27, 1980, as amended at 45 FR 81531, Dec. 11, 1980; 48 FR 57466, Dec. 30, 1983; 57 FR 43148, 43150, Sept. 18, 1992; 58 FR 38267, July 16, 1993; 58 FR 41124, Aug. 2, 1993; 59 FR 67610, Dec. 30, 1994; 61 FR 51210, Oct. 1, 1996; 66 FR 21056, Apr. 27, 2001; 68 FR 50046, Aug. 20, 2003]

§319.37-8 Growing media.

(a) Any restricted article at the time of importation or offer for importation into the United States shall be free of sand, soil, earth, and other growing media, except as provided in paragraph (b), (c), (d) or (e) of this section.

(b) A restricted article from Canada, other than from Newfoundland or from that portion of the Municipality of Central Saanich in the Province of British Columbia east of the West Saanich Road, may be imported in any growing medium.

(c) A restricted article growing solely in agar or in other transparent or translucent tissue culture medium may be imported established in such growing media.

(d) Epiphytic plants (including orchid plants) established solely on tree fern slabs, coconut husks, or coconut fiber may be imported on such growing media.

(e) A restricted article of any of the following groups of plants may be imported established in an approved growing medium listed in this paragraph if the restricted article meets the conditions of this paragraph and is accompanied by a phytosanitary certificate issued by the plant protection service of the country in which the restricted article was grown that declares that the restricted article meets the conditions of this paragraph:

Alstroemeria

*Ananas*¹¹*Anthurium*

Artificially dwarfed (penjing) plants from the People's Republic of China of the following plant species: *Buxus sinica*, *Ehretia microphylla*, *Podocarpus macrophyllus*, *Sageretia thea*, and *Serissa foetida*.

*Begonia**Gloxinia* (= *Sinningia*)*Nidularium*^{11a}*Peperomia**Phalaenopsis* spp. from TaiwanPolypodiophyta (= *Filicales*) (ferns)*Rhododendron* from Europe*Saintpaulia*

(1) Approved growing media are baked expanded clay pellets, coal cinder, coir, cork, glass wool, organic and inorganic fibers, peat, perlite, phenol formaldehyde, plastic particles, polyethylene, polymer stabilized starch, polystyrene, polyurethane, rock wool, sphagnum moss, ureaformaldehyde, stockosorb superabsorbent polymer, vermiculite, volcanic rock, or zeolite, or any combination of these media. Growing media must not have been previously used.

(2) Articles imported under this paragraph must be grown in compliance with a written agreement for enforcement of this section signed by the plant protection service of the country where grown and Plant Protection and Quarantine, must be developed from mother stock that was inspected and found free from evidence of disease and pests by an APHIS inspector or foreign plant protection service inspector no more than 60 days prior to the time the article is established in the greenhouse (except for articles developed from seeds germinated in the greenhouse), and must be:

(i) Grown in compliance with a written agreement between the grower and the plant protection service of the country where the article is grown, in which the grower agrees to comply with the provisions of this section and to allow inspectors, and representatives of the plant protection service of the country where the article is grown, access to the growing facility as nec-

essary to monitor compliance with the provisions of this section;

(ii) Grown solely in a greenhouse in which sanitary procedures adequate to exclude plant pests and diseases are always employed, including cleaning and disinfection of floors, benches and tools, and the application of measures to protect against any injurious plant diseases, injurious insect pests, and other plant pests. The greenhouse must be free from sand and soil and must have screening with openings of not more than 0.6 mm (0.2 mm for greenhouses growing *Rhododendron* spp.) on all vents and openings except entryways. All entryways must be equipped with automatic closing doors;

(iii) Rooted and grown in an active state of foliar growth for at least four consecutive months immediately prior to importation into the United States, in a greenhouse unit that is used solely for articles grown in compliance with this paragraph;

(iv) Grown from seeds germinated in the greenhouse unit; or descended from a mother plant that was grown for at least 9 months in the exporting country prior to importation into the United States of the descendent plants, *provided* that if the mother plant was imported into the exporting country from another country, it must be:

(A) Grown for at least 12 months in the exporting country prior to importation of the descendent plants into the United States, or

(B) Treated at the time of importation into the exporting country with a treatment prescribed for pests of that plant by the plant protection service of the exporting country and then grown for at least 9 months in the exporting country prior to importation of the descendent plants into the United States;

(v) Watered only with rainwater that has been boiled or pasteurized, with clean well water, or with potable water;

(vi) Rooted and grown in approved growing media listed in §319.37-8(e)(1) on benches supported by legs and raised at least 46 cm above the floor;

(vii) Stored and packaged only in areas free of sand, soil, earth, and plant pests;

(viii) Inspected in the greenhouse and found free from evidence of plant pests

¹¹ These articles are bromeliads, and if imported into Hawaii, bromeliads are subject to postentry quarantine in accordance with §319.7-7.

^{11a} See footnote 11.

and diseases by an APHIS inspector or an inspector of the plant protection service of the exporting country, no more than 30 days prior to the date of export to the United States;

(ix) For *Rhododendron* species only, the plants must be propagated from mother plants that have been visually inspected by an APHIS inspector or an inspector of the plant protection service of the exporting country and found free of evidence of diseases caused by the following pathogens: *Chrysomyxa ledi* var. *rhododendri*, *Erysiphe cruciferarum*, *Erysiphe rhododendri*, *Exobasidium vaccinum* and *vaccinum* var. *japonicum*, and *Phomopsis theae*;

(x) For *Rhododendron* species only, the plants must be grown solely in a greenhouse equipped with automatic closing double doors of an airlock type, so that whenever one of the doors in an entryway is open the other is closed, and the plants must be introduced into the greenhouse as tissue cultures or as rootless stem cuttings from mother plants that:

(A) Have received a pesticide dip prescribed by the plant protection service of the exporting country for mites, scale insects, and whitefly; and

(B) Have been grown for at least the previous 6 months in a greenhouse that meets the requirements of §319.37-8(e)(2)(ii); and

(xi) Plants of the species *Buxus sinica*, *Ehretia microphylla*, *Podocarpus macrophyllus*, *Sageretia thea*, and *Serissa foetida* from the People's Republic of China must also meet the following conditions:

(A) *Propagative cuttings*. The propagative materials used to produce the artificially dwarfed (penjing) plants may enter an approved greenhouse only as seeds, tissue cultures, unrooted cuttings, or rooted cuttings with no growing media. Rooted cuttings may not be established or grown in soil at any time. Rooted cuttings may be established in a greenhouse or outside the greenhouse on raised benches (46 cm in height) in pots containing only APHIS approved growing media.

(B) *Inspection and treatment*. When any cuttings are introduced into the greenhouse, they must be free of growing media, inspected, and found free of plant pests and then treated with a

pesticide dip approved by the Animal and Plant Quarantine Service of the People's Republic of China that will control mites, scale insects, whiteflies, thrips, and fungi. The artificially dwarfed (penjing) plants must be propagated from mother plants that have been visually inspected by an APHIS inspector or an inspector of the Animal and Plant Quarantine Service of the People's Republic of China and found free of the following pests:

(1) For *Buxus sinica*: *Guignardia miribelii*, *Macrophoma ehretiae*, *Meliola buxicola*, and *Puccinia buxi*.

(2) For *Ehretia microphylla*: *Macrophoma ehretiae*, *Phakopsora ehretiae*, *Pseudocercospora ehretiae*, *Pseudocercospora ehretiae-thyrsoflora*, *Uncinula ehretiae*, *Uredo ehretiae*, and *Uredo garanbiensis*.

(3) For *Podocarpus macrophyllus*: *Pestalotia jinggangensis*, *Pestalotia diospyri*, *Phellinus noxius*, and *Sphaerella podocarpi*.

(4) For *Sageretia thea*: *Aecidium sageretiae*.

(5) For *Serissa foetida*: *Melampsora serissicola*.

(C) *Growing*. The artificially dwarfed (penjing) plants must be grown in an approved greenhouse for at least 6 months immediately prior to export.

(D) *Additional treatments*. While in the greenhouse, plants must be treated with appropriate pesticides at least once every 10 days or as needed for three months before shipping to maintain a pest-free condition.

(f) A restricted article of *Hyacinthus* spp. (hyacinth) may be imported established in unused peat, sphagnum moss, or vermiculite growing media, or in synthetic growing media or synthetic horticultural foams, i.e., plastic particles, glass wool, organic and inorganic fibers, polyurethane, polystyrene, polyethylene, phenol formaldehyde, or ureaformaldehyde:

(1) If there is a written agreement between Plant Protection and Quarantine and the plant protection service of the country where the article is grown in which the plant protection service of the country where the article is grown agrees to implement a program in compliance with the provisions of this section;

(2) If there is a written agreement between the grower of the article and the plant protection service of the country in which the article is grown wherein the grower agrees to comply with the provisions of this section, wherein the grower agrees to allow an inspector access to the growing facility as necessary to monitor compliance with the provisions of this section, and wherein the grower agrees to allow representatives of the plant protection service of the country in which the article is grown access to the growing facility as necessary to make determinations concerning compliance with the provisions of this section;

(3) If: (i) Inspected immediately prior to the growing period by the plant protection service of the country in which the article is to be grown and found to be free of injurious plant diseases, injurious insect pests, and other plant pests;

(ii) Grown throughout its growing period only in a coldroom (with temperatures not exceeding 9 °C. (48 °F.)) within an enclosed building;

(iii) Grown only in a coldroom unit solely used for articles grown under all the criteria specified in this paragraph (f);

(iv) Grown only in unused peat, sphagnum moss, or vermiculite growing media; or grown only in synthetic growing media or synthetic horticultural foams, i.e., plastic particles, glass wool, organic and inorganic fibers, polyurethane, polystyrene, polyethylene, phenol formaldehyde, ureaformaldehyde;

(v) Watered only with clean rainwater that has been pasteurized, with clean well water, or with potable water;

(vi) Grown in a coldroom free of sand, soil, or earth;

(vii) Grown only in a coldroom where strict sanitary procedures are always practiced, i.e., cleaning and disinfection of floors and tools and the application of measures to protect against any injurious plant diseases, injurious insect pests, and other plant pests; and

(viii) Stored only in areas found free of sand, soil, earth, injurious plant diseases, injurious insect pests, and other plant pests;

(4) If appropriate measures have been taken to assure that the article is to be stored, packaged, and shipped free of injurious plant diseases, injurious insect pests, and other plant pests;

(5) If accompanied by a phytosanitary certificate of inspection containing an accurate additional declaration from the plant protection service of the country in which grown that the article meets conditions of growing, storing, and shipping in compliance with 7 CFR 319.37-8(f); and

(6) If the accompanying phytosanitary certificate of inspection is endorsed by a Plant Protection and Quarantine inspector in the country of origin or at the time of offer for importation, representing a finding based on monitoring inspections that the conditions listed above are being met.

(g) *Pest risk evaluation standards for plants established in growing media.* The Animal and Plant Health Inspection Service will conduct a pest risk assessment based on pest risk analysis guidelines established by the International Plant Protection Convention of the United Nations' Food and Agriculture Organization in response to each request to allow the importation of additional taxa of plants in growing media. These guidelines are available upon request by writing to USDA, APHIS, PPQ, Center for Plant Health Science and Technology, Plant Epidemiology and Risk Assessment Laboratory, 1017 Main Campus Drive, Suite 2500, Raleigh, NC 27606.

[45 FR 31585, May 13, 1980, and 47 FR 3087, Jan. 22, 1982, as amended at 57 FR 43151, Sept. 18, 1992; 60 FR 3077, Jan. 13, 1995; 61 FR 51210, Oct. 1, 1996; 64 FR 66716, Nov. 30, 1999; 68 FR 50047, Aug. 20, 2003; 68 FR 60617, Oct. 23, 2003; 69 FR 2490, Jan. 16, 2004; 69 FR 24936, May 5, 2004]

§319.37-9 Approved packing material.

Any restricted article at the time of importation or offer for importation into the United States shall not be packed in a packing material unless the plants were packed in the packing material immediately prior to shipment; such packing material is free from sand, soil, or earth (except for sand designated below); has not been used previously as packing material or otherwise; and is listed below:

§319.37-10

Baked or expanded clay pellets.
Buckwheat hulls.
Coral sand from Bermuda, if the article packed in such sand is accompanied by a phytosanitary certificate of inspection containing an accurate additional declaration from the plant protection service of Bermuda that such sand was free from soil.
Excelsior.
Exfoliated vermiculite.
Ground cork.
Ground peat.
Ground rubber.
Paper.
Perlite.
Polymer stabilized cellulose.
Quarry gravel.
Rock wool.
Sawdust.
Shavings—wood or cork.
Sphagnum moss.
Stockosorb superabsorbent polymer
Vegetable fiber when free of pulp, including coconut fiber and Osmunda fiber, but excluding sugarcane fiber and cotton fiber.
Volcanic rock.

[45 FR 31585, May 13, 1980, as amended at 57 FR 43151, Sept. 18, 1992; 60 FR 3078, Jan. 13, 1995; 68 FR 50047, Aug. 20, 2003]

§319.37-10 Marking and identity.

(a) Any restricted article for importation other than by mail, at the time of importation or offer for importation into the United States shall plainly and correctly bear on the outer container (if in a container) or the restricted article (if not in a container) the following information:

(1) General nature and quantity of the contents,

(2) Country and locality where grown,

(3) Name and address of shipper, owner, or person shipping or forwarding the article,

(4) Name and address of consignee,

(5) Identifying shipper's mark and number, and

(6) Number of written permit authorizing the importation if one was issued.

(b) Any restricted article for importation by mail shall be plainly and correctly addressed and mailed to the Plant Protection and Quarantine Programs at a port of entry listed in §319.37-14, shall be accompanied by a separate sheet of paper within the package plainly and correctly bearing the name, address, and telephone number of the intended recipient, and shall

7 CFR Ch. III (1-1-05 Edition)

plainly and correctly bear on the outer container the following information:

(1) General nature and quantity of the contents,

(2) Country and locality where grown,

(3) Name and address of shipper, owner, or person shipping or forwarding the article, and

(4) Number of written permit authorizing the importation, if one was issued.

(c) Any restricted article for importation (by mail or otherwise), at the time of importation or offer for importation into the United States shall be accompanied by an invoice or packing list indicating the contents of the shipment.

(Approved by the Office of Management and Budget under control number 0579-0049)

[45 FR 31585, May 13, 1980, as amended at 48 FR 57466, Dec. 30, 1983]

§319.37-11 Arrival notification.

Promptly upon arrival of any restricted article at a port of entry, the importer shall notify the Plant Protection and Quarantine Programs of the arrival by such means as a manifest, Customs entry document, commercial invoice, waybill, a broker's document, or a notice form provided for that purpose.

(Approved by the Office of Management and Budget under control number 0579-0049)

[45 FR 31585, May 13, 1980, as amended at 48 FR 57466, Dec. 30, 1983]

§319.37-12 Prohibited articles accompanying restricted articles.

A restricted article for importation into the United States shall not be packed in the same container as an article prohibited importation into the United States by this part or part 321.

§319.37-13 Treatment and costs and charges for inspection and treatment; treatments applied outside the United States.

(a) The services of a Plant Protection and Quarantine inspector during regularly assigned hours of duty and at the usual places of duty shall be furnished

without cost to the importer.¹² No charge will be made to the importer for Government owned or controlled special inspection facilities and equipment used in treatment, but the inspector may require the importer to furnish any special labor, chemicals, packing materials, or other supplies required in handling an importation under the regulations in this subpart. The Plant Protection and Quarantine Programs will not be responsible for any costs or charges, other than those indicated in this section.

(b) Any treatment performed in the United States on a restricted article shall be performed by an inspector or under an inspector's supervision at a government-operated special inspection facility, except that an importer may have such treatment performed at a nongovernmental facility if the treatment is performed at nongovernment expense under the supervision of an inspector and in accordance with any applicable treatment requirements of this subpart and in accordance with any treatment required by an inspector as an emergency measure in order to prevent the dissemination of any injurious plant disease, injurious insect pest, or other plant pest, new to or not theretofore known to be widely prevalent or distributed within and throughout the United States. However, treatment may be performed at a nongovernmental facility only in cases of unavailability of government facilities and only if, in the judgment of an inspector, such article can be transported to such nongovernmental facility without the risk of introduction into the United States of injurious plant diseases, injurious insect pests, or other plant pests.

(c) Any treatment performed outside the United States must be monitored and certified by an APHIS inspector or an official from the plant protection service of the exporting country. If monitored and certified by an official of the plant protection service of the exporting country, then a phytosanitary certificate must be issued with the following declaration:

¹²Provisions relating to costs for other services of an inspector are contained in part 354.

"The consignment of (*fill in botanical name*) has been treated in accordance with the Plant Protection and Quarantine Treatment Manual." During the entire interval between treatment and export, the consignment must be stored and handled in a manner that prevents any infestation by pests and Federal noxious weeds.

[45 FR 31585, May 13, 1980, as amended at 57 FR 43148, 43151, Sept. 18, 1992; 60 FR 3077, Jan. 13, 1995; 61 FR 51210, Oct. 1, 1996; 68 FR 50047, Aug. 20, 2003]

§ 319.37-14 Ports of entry.

(a) Any restricted article required to be imported under a written permit pursuant to § 319.37-3(a) (1) through (6) of this subpart, shall be imported or offered for importation only at a port of entry designated by an asterisk in paragraph (b) of this section; any other restricted article shall be imported or offered for importation at any port of entry listed in paragraph (b) of this section.

(b) Any restricted article from Canada not required to be imported under a written permit pursuant to § 319.37-3(a) (1) through (6) of this subpart may be imported at any port of entry listed in this paragraph, or at any Customs designated port of entry on the United States-Canada border (Customs designated ports of entry are listed in 19 CFR part 101).

LIST OF PORTS OF ENTRY

Ports with special inspection and treatment facilities (plant inspection stations) are indicated by an asterisk (*).

ALABAMA

Mobile

Federal Building, room 147, 113 St. Joseph Street, P.O. Box 1413, Mobile, AL 36601.

ALASKA

Anchorage

Annex P.O. Box 6191, International Airport, Anchorage, AK 99502.

ARIZONA

**Nogales*

Federal Inspection Station, Nogales, AZ 85621.

§319.37-14

Phoenix

Sky Harbor Airport, 3300 Sky Harbor Boulevard, Phoenix, AZ 85034.

San Luis

U.S. Border Station, P.O. Box 37, San Luis, AZ 85349.

Tucson

Tucson International Airport, Tucson, AZ 85706.

CALIFORNIA

Calexico

Federal Inspection Building, room 223, 200 First Street, P.O. Box 686, Calexico, CA 92231.

**Los Angeles*

9650 LaCienega Boulevard, Building D North, Inglewood, CA 90301.

(Airport)

World Way Center Post Office, International Arrivals Area, Satellite 2, P.O. Box 90429, Los Angeles International Airport, Los Angeles, CA 90009.

**San Diego*

U.S. Border Station, P.O. Box 43L, San Ysidro, CA 92073.

**San Francisco*

Plant Inspection Station, San Francisco International Airport, San Francisco, CA 94128.

San Francisco International Airport, P.O. Box 8026, Airport Station, San Francisco, CA 94128.

101 Agriculture Building, Embarcadero at Mission Street, P.O. Box 7673, San Francisco, CA 94120.

**San Pedro*

(See Los Angeles)

Travis AFB

P.O. Box 1448, Travis Air Force Base, Fairfield, CA 94535.

COLORADO

Denver

Suite 102, 7100 West 44th Avenue, Wheat Ridge, CO 80033.

CONNECTICUT

Wallingford

Federal Building, room 205, P.O. Box 631, Wallingford, CT 06492.

7 CFR Ch. III (1-1-05 Edition)

DELAWARE

Dover AFB

Building 500 (USDA), Dover Air Force Base, DE 19901.

Wilmington

Federal Building, room 1218A, 844 King Street, Box 03, Wilmington, DE 19801.

DISTRICT OF COLUMBIA

Dulles International Airport

(See Virginia)

FLORIDA

Cape Canaveral

120 George King Boulevard, P.O. Box 158, Cape Canaveral, FL 32920.

Jacksonville

Federal Building, room 521, 400 West Bay Street, P.O. Box 35003, Jacksonville, FL 32202.

Key West

Federal Building, room 226, 301 Simonton Street, P.O. Box 1486, Key West, FL 33040.

**Miami*

Miami Inspection Station, 3500 NW, 62nd Avenue, P.O. Box 59-2136, Miami, FL 33159.

FAA & NWS Building, Box 59-2647 AMF, Miami, FL 33159.

Amman Building, room 305, 611 Eisenhower Boulevard, P.O. Box 13033, Fort Lauderdale, FL 33316. (NOTE: Restricted articles required to be imported under a written permit pursuant to §319.37-3(a)(1) through (6) of this subpart must be moved by ground transportation and under U.S. Customs bond to the Miami Inspection Station.)

**Orlando*

Orlando Plant Inspection Station, 9317 Tradeport Drive, Orlando, FL 32827.

Pensacola

Federal Building, room 105, 100 North Palafox Street, P.O. Box 12561, Pensacola, FL 32573.

Tampa

700 Twiggs Street, room 504, P.O. Box 266, Tampa, FL 33601.

West Palm Beach

158 Port Road, P.O. Box 10611, Riviera Beach, FL 33404.

Animal and Plant Health Inspection Service, USDA

\$319.37-14

(Airport)

Palm Beach International Airport, Port of Entry Building, West Palm Beach, FL 33406.

GEORGIA

**Atlanta*

Hartsfield Atlanta International Airport, Atlanta, GA 30320.

Savannah

U.S. Court House & Federal Building, room B-9, 125-126 Bull Street, P.O. Box 9268, Savannah, GA 31402.

GUAM

**Agana*

Guam International Airport, Tamuning, GU 96931.

HAWAII

Hilo

General Lyman Field, Hilo, HI 96720.

**Honolulu (Airport)*

Honolulu International Airport, International Arrivals Building, Ewa end, Ground Level, P.O. Box 29757, Honolulu, HI 96820.

Wailuku, Maui

Federal Post Office Building, room 211, Wailuku, HI 96793.

ILLINOIS

Chicago

U.S. Custom House, room 800, 610 South Canal Street, Chicago, IL 60607.

(Airport)

O'Hare International Arrivals Building, P.O. Box 66192, Chicago, IL 60666.

LOUISIANA

Baton Rouge

750 Florida Boulevard, room 321, Federal Building, P.O. Box 2447, Baton Rouge, LA 70821.

**New Orleans*

New Orleans International Airport, P.O. Box 20037, Airport Mailing Facility, New Orleans, LA 70140.

F. Edward Hébert Building, P.O. Box 2220, New Orleans, LA 70176.

MAINE

Bangor (Airport)

International Arrivals Building, Bangor International Airport, Bangor, ME 04401.

Portland

U.S. Courthouse, 156 Federal Street, room 309, Portland, ME 04101.

MARYLAND

Baltimore

Appraisers Stores Building, room 506, 103 South Gay Street, Baltimore, MD 21202.

(Airport)

Foreign Arrivals Building, Baltimore Washington International Airport, Baltimore, MD 21240.

Beltsville

Plant Germplasm Quarantine Center (for USDA shipments only), Building 320, Beltsville, Agricultural Research Center East, Beltsville, MD 20705.

MASSACHUSETTS

Boston

Room 4, U.S. Custom House, Boston, MA 02109.

(Airport)

Logan International Airport, East Boston, MA 02128.

MICHIGAN

Detroit

International Terminal, room 228, Metropolitan Airport, Detroit, MI 48242.

MINNESOTA

Duluth

Board of Trade Building, room 420, 301 West First Street, Duluth, MN 55802.

St. Paul

Minneapolis-St. Paul International Airport, International Charter Terminal, P.O. Box 1690, St. Paul, MN 55111.

MISSOURI

Kansas City (Airport)

Kansas City International Airport, P.O. Box 20085, Kansas City, MO 64195.

St. Louis International Airport

P.O. Box 858, St. Charles, MO 63301.

§319.37-14

NEW JERSEY

**Hoboken*

209 River Street, Hoboken, NJ 07030.

McGuire AFB

Building 1706, Passenger Terminal, Customs Area, P.O. Box 16073, McGuire Air Force Base, NJ 08641.

NEW YORK

Albany

80 Wolf Road, Suite 503, Albany, NY 12205.

Buffalo

Federal Building, room 1113, 111 West Huron Street, Buffalo, NY 14202.

New York

26 Federal Plaza, room 1747, New York, NY 10007.

**Jamaica*

John F. Kennedy International Airport, Plant Inspection Station, Cargo Building 80, Jamaica, NY 11430.

International Arrivals Building, room 2315, John F. Kennedy International Airport.

Rouses Point

St. John's Highway Border Station, room 118, Route 9B, P.O. Box 278, Rouses Point, NY 12979.

NORTH CAROLINA

Morehead City

Room 216, 113 Arendell, P.O. Box 272, Morehead City, NC 28557.

Wilmington

Rural Route 6, Box 53D, Wilmington, NC 28405.

OHIO

Cleveland

Federal Building, room 1749, 1240 East 9th Street, Cleveland, OH 44199.

OREGON

Astoria

Port Docks, P.O. Box 354, Astoria, OR 97103.

Coos Bay

U.S. Postal Services Building, 235 West Anderson Street, P.O. Box 454, Coos Bay, OR 97420.

Portland

Federal Building, room 657, 511 NW Broadway, Portland, OR 97209.

7 CFR Ch. III (1-1-05 Edition)

PENNSYLVANIA

Philadelphia

Custom House, room 1004, 2nd and Chestnut Streets, Philadelphia, PA 19106.

PUERTO RICO

Mayaguez

P.O. Box 3269, Marina Station, Mayaguez, PR 00708.

Ponce

P.O. Box 68, Ponce Playa Station, Ponce, PR 00731.

Hato Rey

Federal Office Building & U.S. Court House, room 206, Hato Rey, PR 00918.

Roosevelt Roads

Roosevelt Roads Naval Station, P.O. Box 3008, Air Operations, FPO Miami, FL 34051.

**San Juan*

Isla Verde International Airport, Foreign Arrivals Wing, San Juan, PR 00904.

RHODE ISLAND

Warwick

48 Quaker Lane, West Warwick, RI 02893.

SOUTH CAROLINA

Charleston

Room 513 Federal Building, P.O. Box 941, Charleston, SC 29402.

TENNESSEE

Memphis

Room 801 Mid Memphis Tower, 1407 Union Avenue, Memphis, TN 38104.

TEXAS

**Brownsville*

Border Services Building, room 224 (Gateway Bridge), East Elizabeth and International Boulevard, P.O. Box 306, Brownsville, TX 78520.

Corpus Christi

807 Petroleum Tower, 811 Carancahua Street, P.O. Box 245, Corpus Christi, TX 78403.

Dallas-Fort Worth (Airport)

Dallas-Fort Worth Airport, P.O. Box 61063, Dallas-Ft. Worth Airport, TX 75261.

Del Rio

U.S. Border Inspection Station, room 135, International Bridge, P.O. Box 1227, Del Rio, TX 78840.

Animal and Plant Health Inspection Service, USDA

§ 319.40-1

Eagle Pass

U.S. Border Station, 160 Garrison Street,
P.O. Box P, Eagle Pass, TX 78852.

El Paso

Cordova Border Station, room 172-A, 3600
East Paisano, El Paso, TX 79905.

Galveston

Room 402, U.S. Post Office Building, 601
Rosenberg Street, P.O. Box 266, Galveston,
TX 77553.

Hidalgo

U.S. Border Station, Bridge Street, P.O.
Drawer R, Hidalgo, TX 78557.

**Houston*

(Airport) Houston Plant Inspection Station,
3016 McKaughan, Houston, TX 77032.
U.S. Appraisers Stores Building, room 210
7300 Wingate Street, Houston, TX 77011.

Laredo

La Posada Motel, rooms L8-13, 1000 Zaragoza
Street, P.O. Box 277, Laredo, TX 78040.
Juarez-Lincoln International Bridge, 101
Santa Ursula, Laredo, TX 78040.
U.S. International Bridge No. 1, 100 Convent
Avenue, Laredo, TX 78040.

Port Arthur

Federal Building, room 201, Fifth Street &
Austin Avenue, P.O. Box 1227, Port Arthur,
TX 77640.

Presidio

U.S. Border Station, International Bridge,
P.O. Box 1001, Presidio, TX 79845.

Progreso

Custom House Building, Progreso Inter-
national Bridge, Progreso, TX 78579.

Roma

International Bridge, P.O. Box 185, Roma,
TX 78584.

San Antonio

International Satellite, room 15-S, 9700 Air-
port Boulevard, San Antonio, TX 78216.

VIRGIN ISLANDS OF THE UNITED STATES

St. Thomas

Room 227, Federal Building, P.O. Box 8119,
St. Thomas, Virgin Islands of the U.S.
00801.

(Airport)

Harry S. Truman Airport, Main Terminal
Building, St. Thomas, Virgin Islands of the
U.S. 00801.

St. Croix

Drawer 1548, Kingshill, St. Croix, Virgin Is-
lands of the U.S. 00850.

VIRGINIA

Chantilly (Airport)

Dulles International Airport, International
Arrivals Area, P.O. Box 17134, Washington,
DC 20041.

Newport News

P.O. Box 942, Newport News, VA 23607.

Norfolk

Federal Building, room 311, 200 Granby Mall,
Norfolk, VA 23510.

WASHINGTON

Blaine

Custom House, room 216, P.O. Drawer C,
Blaine, WA 98230.

McChord AFB

MAC Terminal, P.O. Box 4116, McChord Air
Force Base, Tacoma, WA 98438.

**Seattle*

Federal Office Building, room 9014, 909 First
Avenue, Seattle, WA 98174.

(Airport)

Seattle-Tacoma International Airport, Se-
attle, WA 98158.

WISCONSIN

Milwaukee

International Arrivals Terminal, General
Mitchell Field, 5300 South Howell Avenue,
Milwaukee, WI 53207.

[45 FR 31585, May 13, 1980, as amended at 54
FR 34133, Aug. 18, 1989; 57 FR 47978, Oct. 21,
1992; 59 FR 21622, Apr. 26, 1994; 61 FR 51210,
Oct. 1, 1996; 68 FR 50048, Aug. 20, 2003; 68 FR
70423, Dec. 18, 2003; 69 FR 5673, Feb. 5, 2004]

Subpart—Logs, Lumber, and Other Unmanufactured Wood Articles

SOURCE: 60 FR 27674, May 25, 1995, unless
otherwise noted.

§ 319.40-1 Definitions.

Administrator. The Administrator of
the Animal and Plant Health Inspec-
tion Service, United States Depart-
ment of Agriculture, or any employee
of the United States Department of Ag-
riculture delegated to act in his or her
stead.